

CAZON  
EAB  
-H26



# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 391

DATE: Tuesday, August 4, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

**EARR**  
ASSOCIATES &  
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4











# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 391

DATE: Tuesday, August 4, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

**EARR**  
ASSOCIATES &  
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4









HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable  
Jim Bradley, Minister of the Environment,  
requiring the Environmental Assessment  
Board to hold a hearing with respect to a  
Class Environmental Assessment (No.  
NR-AA-30) of an undertaking by the Ministry  
of Natural Resources for the activity of  
Timber Management on Crown Lands in  
Ontario.

-----  
Hearing held at the Civic Square, Council  
Chambers, Sudbury, Ontario on Tuesday,  
August 4, 1992, commencing at 10:58 a.m.


-----  
VOLUME 391

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member





Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto

<https://archive.org/details/31761116531989>



A P P E A R A N C E S

|                      |   |   |
|----------------------|---|---|
| MR. V. FREIDIN, Q.C. | ) | MINISTRY OF NATURAL   |
| MS. C. BLASTORAH     | ) | RESOURCES   |
| MS. K. MURPHY        | ) |   |
| MR. B. CAMPBELL      | ) |   |
| MS. J. SEABORN       | ) | MINISTRY OF ENVIRONMENT   |
| MS. N. GILLESPIE     | ) |   |
| MR. R. TUER, Q.C.    | ) | ONTARIO FOREST INDUSTRY   |
| MR. R. COSMAN        | ) | ASSOCIATION and ONTARIO   |
| MS. E. CRONK         | ) | LUMBER MANUFACTURERS'   |
| MR. P.R. CASSIDY     | ) | ASSOCIATION   |
| MR. D. HUNT          | ) |   |
| MR. R. BERAM         |   | ENVIRONMENTAL ASSESSMENT<br>BOARD   |
| MR. J.E. HANNA       | ) | ONTARIO FEDERATION  |
| DR. T. QUINNEY       | ) | OF ANGLERS & HUNTERS  |
| MR. D. O'LEARY       |   |   |
| MR. D. HUNTER        | ) | NISHNAWBE-ASKI NATION   |
| MR. M. BAEDER        | ) | and WINDIGO TRIBAL<br>COUNCIL   |
| MS. M. SWENARCHUK    | ) | FORESTS FOR TOMORROW  |
| MR. R. LINDGREN      | ) |   |
| MR. D. COLBORNE      | ) | GRAND COUNCIL TREATY #3   |
| MR. G. KAKEWAY       | ) |   |
| MR. J. IRWIN         |   | ONTARIO METIS &<br>ABORIGINAL ASSOCIATION                                     |
| MS. M. HALL          |   | KIMBERLY-CLARK OF CANADA<br>LIMITED and SPRUCE FALLS<br>POWER & PAPER COMPANY |







APPEARANCES (Cont'd):

|                          |   |  |
|--------------------------|---|--|
| MR. R. COTTON            |   | BOISE CASCADE OF CANADA LTD.                             |
| MR. Y. GERVAIS           | ) | ONTARIO TRAPPERS   |
| MR. R. BARNES            | ) | ASSOCIATION  |
| MR. P. ZYLBERBERG        | ) | NORTHWATCH COALITION                                     |
| MS. B. LLOYD             | ) |  |
| MR. J.W. ERICKSON, Q.C.) |   | RED LAKE-EAR FALLS JOINT                                 |
| MR. B. BABCOCK           | ) | MUNICIPAL COMMITTEE                                      |
| MR. D. SCOTT             | ) | NORTHWESTERN ONTARIO                                     |
| MR. J.S. TAYLOR          | ) | ASSOCIATED CHAMBERS OF COMMERCE                          |
| MR. J.W. HARBELL         |   | GREAT LAKES FOREST                                       |
| MR. S.M. MAKUCH          |   | CANADIAN PACIFIC FOREST PRODUCTS LTD.                    |
| MR. D. CURTIS            | ) | ONTARIO PROFESSIONAL                                     |
| MR. J. EBBS              | ) | FORESTERS ASSOCIATION                                    |
| MR. D. KING              |   | VENTURE TOURISM ASSOCIATION OF ONTARIO                   |
| MR. H. GRAHAM            |   | CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION) |
| MR. G.J. KINLIN          |   | DEPARTMENT OF JUSTICE                                    |
| MR. S.J. STEPINAC        |   | MINISTRY OF NORTHERN DEVELOPMENT & MINES                 |
| MR. M. COATES            |   | ONTARIO FORESTRY ASSOCIATION                             |
| MR. P. ODORIZZI          |   | BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY                  |







APPEARANCES (Cont'd):

|                     |  |
|---------------------|--|
| MR. R.L. AXFORD     | CANADIAN ASSOCIATION OF<br>SINGLE INDUSTRY TOWNS |
| MR. M.O. EDWARDS    | FORT FRANCES CHAMBER OF<br>COMMERCE              |
| MR. P.D. McCUTCHEON | GEORGE NIXON                                     |
| MR. C. BRUNETTA     | NORTHWESTERN ONTARIO<br>TOURISM ASSOCIATION      |





I N D E X   O F   P R O C E E D I N G S

| <u>Witness:</u>                    | <u>Page No.</u> |
|------------------------------------|-----------------|
| <u>ROBERT G. WAGNER; Affirmed.</u> |                 |
| <u>FRANK KENNEDY; Resumed.</u>     | 67288           |
| Direct Examination by Mr. Freidin  | 67288           |
| Cross-Examination by Mr. Lindgren  | 67322           |
| Cross-Examination by Ms. Gillespie | 67327           |
| Procedural Matters                 | 67328-67343     |
| <u>LAURIE A. GRVELINES; Sworn.</u> |                 |
| <u>FRANK KENNEDY,</u>              |                 |
| <u>RICH GREENWOOD,</u>             |                 |
| <u>KEN ARMSON,</u>                 |                 |
| <u>DAVE GORDON,</u>                |                 |
| <u>KEN ABRAHAM,</u>                |                 |
| <u>AL BISSCHOP; Resumed.</u>       | 67344           |
| Direct Examination by Mr. Freidin  | 67344           |





# I N D E X   O F   E X H I B I T S

| <u>Exhibit No.</u> | <u>Description</u>  | <u>Page No.</u> |
|--------------------|---|-----------------|
| 2290               | Curriculum vitae of Dr. Robert G. Wagner.   | 67288           |
| 2291               | Overhead used by Dr. Wagner in his presentation of evidence.  | 67292           |
| 2292               | Correspondence received by the Board from Mr. Bruce LaVigne on July 20th, with attached letters sent to the Ministry of Natural Resources and persons in the forest industry. | 67330           |
| 2293               | Package of four undertakings fulfilled by the Ministry of Natural Resources.  | 67331           |
| 2294A              | Forest access road system map.  | 67340           |
| 2294B              | Accompanying correspondence dated December 20th, 1991.  | 67340           |
| 2295               | Ministry of Natural Resources reply statement of evidence No. 5 entitled: Selected Issues Arising from Other Parties' Proposed Terms and Conditions.                          | 67341           |
| 2296               | One-page errata sheet dated July 3, 1992, from Kathleen Murphy to all full-time parties.  | 67342           |
| 2297               | Letter dated June 29, 1992, from V. Freidin to Ms. Swenarchuk, containing responses by MNR to Forests For Tomorrow interrogatories in relation to Panel 5.                    | 67342           |





I N D E X   O F   E X H I B I T S  
(Cont'd)

| <u>Exhibit No.</u> | <u>Description</u>   | <u>Page No.</u> |
|--------------------|--|-----------------|
| 2298               | Curriculum vitae of<br>Laurie A. Grvelines.  | 67343           |
| 2299               | Overhead entitled: Road Planning;<br>Optional Areas for Operations; FFT's<br>Operations MAP Proposal.  | 67348           |
| 2300               | Letter dated June 15, 1992, from<br>V. Freidin to Ms. Seaborn<br>containing the MNR response to<br>MOE's Interrogatories regarding<br>MNR's Reply Panel No. 5. | 67389           |
| 2301               | Summary map of areas of<br>operations for the big pick<br>management unit, the timber<br>management plan for the period<br>1982 to 1997.                       | 67403           |





1 ---Upon commencing at 10:58 a.m.

2 MADAM CHAIR: Good morning, ladies and  
3 gentlemen.

4 Mr. Freidin, we are going to be hearing  
5 from Dr. Wagner first. We don't have all our exhibits  
6 in front of us, but they're arriving shortly so I think  
7 we should just go ahead and get started.

8 MR. FREIDIN: I think the first thing we  
9 should do, Madam Chair, is to have Dr. Wagner affirmed.

10 ROBERT G. WAGNER; Affirmed.  
11 FRANK KENNEDY; Resumed.

12 MR. FREIDIN: And Madam Chair, I have  
13 provided the parties with a copy of the curriculum  
14 vitae of Dr. Wagner. I have copies here just in case  
15 they didn't bring them. So if I could just file as the  
16 next exhibit Dr. Wagner's curriculum vitae.

17 MADAM CHAIR: Dr. Wagner's curriculum  
18 vitae will be Exhibit 2290.

19 ---EXHIBIT NO. 2290: Curriculum vitae of  
20 Robert G. Wagner.

21 MR. FREIDIN: And if I may, Madam Chair,  
22 I'll just take a few brief moments to highlight a few  
23 portions of that, that document.

24 DIRECT EXAMINATION BY MR. FREIDIN:

25 Q. Dr. Wagner, I understand that you



1 graduated from the Utah State University in 1977 with a  
2 degree in forest management?

3 DR. WAGNER: A. Yes, I did.

4 Q. And I understand that that's the  
5 equivalent of a Bachelor of Science in Forestry that is  
6 received in Ontario; is that correct?

7 A. That, that is correct.

8 Q. I understand that in 1980 you  
9 obtained a degree in forest ecology from the University  
10 of Washington in Seattle; is that correct?

11 A. That's correct.

12 Q. And upon completion of that degree I  
13 understand that you became a faculty research  
14 assistant, and this is referred to on the top of page 2  
15 of your curriculum vitae, for an organization referred  
16 to as KRAFTS, K-R-A-F-T-S, Cooperative.

17 Could you just describe what that  
18 particular cooperative was?

19 A. Yes. This is a research cooperative  
20 centred at Orgeon State University. It consisted of  
21 about twenty different forest management organizations,  
22 private industry, state and provincial government  
23 organizations and federal government, and the purpose  
24 of the cooperative was to advance research in the area  
25 of forest vegetation management.

1 Q. And I understand that you were with  
2 that particular organization from 1981 through to the  
3 end of 1989?

4 A. That is correct.

5 Q. And as indicated on your CV, part way  
6 through that tenure in 1986 in particular you became  
7 the senior faculty research assistant.

8 A. That is true.

9 Q. And what were your responsibilities  
10 in that regard?

11 A. Basically I was assistant in the  
12 general operation of the cooperative and lead a number  
13 of research projects in forest vegetation management in  
14 cooperation with the organizations that were members of  
15 the cooperative.

16 Q. Now, I understand that you obtained a  
17 doctorate in silviculture and vegetation management  
18 from the Oregon State University in Corvallis in 1989?

19 A. That's correct.

20 Q. And since 1990 you've been employed  
21 by the Ministry of Natural Resources and you're located  
22 in Sault Ste. Marie, Ontario.

23 A. Yes, I am.

24 Q. And I understand that the purpose of  
25 your evidence is to basically advise the Board of the



1 nature of the work that you're doing with the Ministry  
2 of Natural Resources; is that correct?

3 A. Yes, it is.

4 Q. Now, your curriculum vitae refers to  
5 a long length of publications, many of them referee --  
6 in referee journals. Is it fair to say that all of  
7 those publications relate to the subject matter of  
8 forest vegetation management?

9 A. By and large, yes.

10 Q. And there's also an indication that  
11 since 1983 you have been invited to provide lectures to  
12 various universities and institutions both in the  
13 United States and Canada in relation to forest  
14 vegetation management; is that correct?

15 A. That's correct.

16 MR. FREIDIN: Madam Chair, based on that  
17 evidence and the more detailed information in Exhibit  
18 2290 I would ask that Dr. Wagner be qualified as a  
19 forest scientist with particular expertise in  
20 vegetation management including the use of herbicides  
21 and their alternatives and an expert in silviculture.

22 MADAM CHAIR: Any objections from the  
23 parties to Dr. Wagner being qualified as Mr. Freidin  
24 described?

25 All right.

1 MR. FREIDIN: Madam Chair is it all right  
2 if I continue to lead this thing off and yell?

3 MADAM CHAIR: Check with the court  
4 reporter, Mr. Freidin.

5 ---Discussion off the record.

6 MR. FREIDIN: I think the next order of  
7 business, Madam Chair, is I'd like to file as the next  
8 exhibit a copy of the -- the hard copy of the overheads  
9 which Dr. Wagner will be using for his presentation.

10 MADAM CHAIR: Dr. Wagner's overheads will  
11 be Exhibit 2291.

12 ---EXHIBIT NO. 2291: Overhead used by Dr. Wagner in  
13 his presentation of evidence.

14 MR. FREIDIN: And, Madam Chair, before  
15 Dr. Wagner commences his evidence, I would ask Mr.  
16 Kennedy to, in fact, provide the board with a very  
17 brief sort of update as to where this evidence is  
18 found, generally the nature of it, and perhaps to give  
19 some indication of why he's sitting there on the panel  
20 along with Dr. Wagner. (Laughter)

21 MR. MARTEL: He's indispensable. What  
22 would you do if something happened to Mr. Kennedy?

23 MR. FREIDIN: We have life insurance on  
24 Mr. Kennedy.

25 MR. KENNEDY: Yes, Madam Chair, Mr.

1 Martel, pleased to be here again after our summer  
2 recess.

3 Our Reply Panel 3 left off with Dr. Bob  
4 Wagner not joining us in recent times, so we're back  
5 here again and I'll just run through a couple of quick  
6 points to remind you that reply Reply Panel 3 was  
7 dealing with the subject area of continuing  
8 developments and reporting requirements, and in that  
9 Reply Panel we had a subtopic which was titled:  
10 Scientific Research and Technical Development.

11 If you wish to refer to that, that's  
12 found on Exhibit 2272 and that's contained in pages 22  
13 to 52. Within that area, we referred to the vegetation  
14 management alternatives program under the heading of:  
15 Tending and Protection Programs which is specifically  
16 referenced in pages 28 to 30 of that exhibit.

17 The purpose of leading that evidence here  
18 today is to update the Board on this new initiative and  
19 to advise the Board on the subject areas that are being  
20 investigated and studied over the next few years.

21 My purpose of being up here today is  
22 simply to provide a linkage to the original Panel 3 and  
23 to provide some response to a number of Board issues  
24 that were raised with regard to the subject area of  
25 pesticide use.



1 MR. FREIDIN: Q. I think you can just  
2 commence with your evidence Dr. Wagner, thank you.

3 DR. WAGNER: A. Okay. Thank you.

4 What I would like to do this morning is  
5 describe the overall framework and objectives for the  
6 program that I'm leading through the Ontario Forest  
7 Research Institute in Sault Ste. Marie for the Ministry  
8 of Natural Resources. The title of my presentation is  
9 basically Ontario's search for alternatives to  
10 herbicides and how we are commencing with that  
11 objective.

12 By and large, several years ago we got  
13 very interested in where we -- what the Ministry's  
14 directions were in the area of forest vegetation  
15 management, and as we looked at vegetation  
16 management -- and I'll use that term to describe that  
17 part of silviculture that deals with the management of  
18 competing and unwanted vegetation in young forests  
19 principally, that vegetation management touched and  
20 what, in fact, was a pivotal point to a number of areas  
21 of forest management in Ontario. I've got those listed  
22 here in page -- the second page of Exhibit 2291 and is  
23 on the screen. It includes areas of regeneration gap,  
24 backlog, and tending the new forest which I understand  
25 the Board has heard lengthy evidence concerning.

1                   By and large, vegetation management is a  
2                   crucial aspect of silviculture dealing with the  
3                   successful regeneration of these kinds of areas.

4                   I think the Board also is aware of the --  
5                   about the varying views on the use of herbicides in the  
6                   forest, and this of course is an important issue in the  
7                   business of vegetation management, especially  
8                   considering that our -- the primary technology that we  
9                   use in vegetation management today is the use of  
10                  herbicides.

11                  There are a number of wildlife habitat  
12                  concerns associated not only with the use of  
13                  herbicides, but the other kinds of vegetation  
14                  management techniques that we use to improve prescribed  
15                  fire mechanical equipment, and so forth.

16                  Because we by and large concentrate our  
17                  vegetation management activities in young forests,  
18                  there is a great deal of interest in how that practice  
19                  influences growth and yield of forest stands.

20                  There is a, as I think the Board is  
21                  aware, substantial interest in the concept of  
22                  sustainable forestry today and of course the tools that  
23                  are used for vegetation management are of great  
24                  interest with regard to the -- these tools and their  
25                  relationship to sustainability in forest practice. And

1 as we move in Ontario toward more integrated resource  
2 management that considers a wider array of forest  
3 values, how vegetation management interfaces and is  
4 part of that integrated resource management activity is  
5 very important. So we recognized, as I mention, that  
6 vegetation management is a pivot point to all of these  
7 issues, which I think most of us regard as quite  
8 important, and that we had a general need to advance  
9 our knowledge and understanding of this important area  
10 of research, and I think what made it crucial from a  
11 time perspective is that there's a, a widespread  
12 concern over these herbicides, which is our predominant  
13 technology we use today, potentially threatens our  
14 ability to deal with these issues down the road. So  
15 it's clear that we needed to develop a more focused  
16 approach in the area of research and information  
17 development in this area.

18 The result of our look and examination in  
19 vegetation management was this, the vegetation  
20 management alternatives program. And we introduced  
21 this idea about late 1990 when minister, Minister Bud  
22 Wildman came on, we presented this idea to himself and  
23 his associates and it became eventually part of the  
24 sustainable forestry program which is now a directorate  
25 for the Ministry of Natural Resources.



1                   The program was initiated in May 1991 so  
2                   we've been conducting this program that I'll be  
3                   speaking about today for about, about a year and a  
4                   half; not very long as forestry research goes.

5                   The program goal is to gradually reduce  
6                   our dependence on herbicides in Ontario's forests by  
7                   doing a couple of things. One, developing alternatives  
8                   to our current use of forest herbicides; and by gaining  
9                   a better understanding of forest ecosystems that would  
10                  improve our management, and we're doing this primarily  
11                  through research education and field delivery.

12                  There are four components to the program  
13                  that we have and it's quite a comprehensive program.  
14                  It includes research of two different types, an  
15                  adaptive or applied research, a fundamental research;  
16                  and education and field delivery, and for the remainder  
17                  of the presentation I will describe in some detail what  
18                  the objectives for these different components are.

19                  The first component is adaptive research  
20                  which is another term for "applied research" and its --  
21                  the objective for this component is to provide  
22                  information and technologies that are directly  
23                  applicable to alternative vegetation management  
24                  practices. What makes the adaptive or applied research  
25                  unique is that it is developed in close contact with

1 forest managers so that they're, they are participants  
2 in the development of the research ideas and their  
3 implementation.

4 There are three subcomponents to the  
5 adaptive research program. Treatment alternatives;  
6 crop tree and ecosystem responses; and forest growth  
7 and yield models, and I'd like to address each of those  
8 subcomponents in a little bit of detail.

9 The first -- the treatment alternatives  
10 component is that part of the applied research will be  
11 directly to seek alternatives to our current use of  
12 forest herbicides for management of forest vegetation.  
13 Our overall objective is to develop environmentally  
14 sound, effective, cost efficient and socially  
15 acceptable methods for managing forest vegetation.

16 We have a number of trials in the ground  
17 right now that look at such things as brush saws or  
18 manual cutting, the use of manual cutting in  
19 combination with various kinds of herbicide applicators  
20 with the machine itself, the use of mulches, which, by  
21 and large, have not been tested widely at all in  
22 Ontario, sheep grazing and this, in fact, we -- this  
23 program was responsible for the, like a first trial of  
24 its kind in Northern Ontario. There's a lot of both  
25 mulches and grazing have been used as technologies in

1 other parts of the world, they have just not been used  
2 historically in Ontario.

3 Looking at the different kinds of  
4 mechanical equipment, not only the kinds that we use  
5 conventionally for site preparation, but new kinds of  
6 machine, such as a, a brush, brush mulcher. The use of  
7 prescribed fire which has been, in fact, developed as  
8 an alternative to herbicides in other parts of the  
9 world when herbicide use has been restricted; the use  
10 of cover crops, which is the delivered establishment of  
11 noncrop vegetation to such as clovers and rye grass to  
12 change the competitiveness of the vegetation that young  
13 forests might be associated with; as well as looking at  
14 different, more socially acceptable ways to deliver  
15 herbicides through capsule delivery systems to  
16 individual plants; stump applicators on tree shearing  
17 heads; the use of granular herbicides, as well as  
18 techniques to reduce drift for both ground and aerial  
19 techniques that we currently are using, as well as  
20 finding weights -- ways to just reduce the rates of  
21 herbicides that we are currently using.

22 The, the second subcomponent of the  
23 applied research is the crop tree and ecosystem  
24 responses.

25 By and large, the first component deals



1 with the direct looking at alternatives to the direct  
2 manipulation of vegetation; the second thing of  
3 interest dealing with both the herbicide or the  
4 alternatives include a better understanding of the  
5 quantitative effects of these alternatives on desired  
6 tree species and the forest ecosystem.

7 This research currently involves a number  
8 of different areas including a better quantification of  
9 the growth response of young forests to ground  
10 treatments to chemical and manual tending as well as  
11 chemical and manual site preparation.

12 Wildlife concerns also are focused for  
13 this work. We currently had a research ongoing looking  
14 at the influence on small mammal populations of manual,  
15 chemical attending treatments; the effect of vision  
16 herbicide on browse availability for moose; and also  
17 influence on animals such as snow-shoed hare for which  
18 there is not a very good data base at the moment.

19 This research also includes looking at  
20 successional pathways of forest vegetation after  
21 disturbance; developing better methods to quantify  
22 vegetation in young forests that could assist us in  
23 better prescription techniques, as well as alternative  
24 silviculture strategies, such as the use of advanced  
25 natural regeneration as a means to change our

1       vegetation management demands.

2                   In addition, there's some overall just  
3       ecosystem approaches looking at ways to regenerate  
4       eastern white pine, for example. This includes quite  
5       an array of other kinds of research, such as developing  
6       a more competitive seedling with our cultural practices  
7       that might minimize the need for vegetation management  
8       and some stages of stand development.

9                   The third area of depth of research  
10       includes forest growth and yield models. It's, it's  
11       one thing to know -- to have alternative practices  
12       associated with directly manipulating the vegetation,  
13       and the second phase, understanding how forests respond  
14       to this manipulation, but we have a need to link what  
15       we do in young forests where forest education  
16       management is concentrated with older stands, and we  
17       can, by and large, only do this through the use of  
18       forest models. There's currently a very active growth  
19       and yield program ongoing in the province and this  
20       component links with this effort.

21                   Right now we're assembling the data base  
22       on growth responses and succession forest vegetation  
23       succession to help us build these models as well as  
24       developing a theoretical basis for these models.

25                   The next component is a fundamental

1 research, and we differentiate that from adaptive  
2 research in that it really is an examination of the  
3 more fundamental sciences that are linked to vegetation  
4 management.

5 This, by and large, is not done directly  
6 with forest managers. The, the purpose of this  
7 research is basically to advance our basic sciences  
8 related to vegetation management. We, we believe that  
9 by developing a better understanding of ecosystem  
10 processes and models, and so forth, that we can -- that  
11 this is the way that we advance the whole field of  
12 vegetation management. It includes three, three  
13 subcomponents: ecosystem dynamics component; interface  
14 with society; and a biological control component.

15 Q. Before you go on to the next slide,  
16 Dr. Wagner, can you indicate how the three items which  
17 are listed on that number -- that slide were identified  
18 as the basic, basic subject matters for a fundamental  
19 research?

20 A. Yes. Historically this is not the  
21 kind of research we've done, it's been an area of  
22 research that's been primarily in the area that  
23 universities and Forestry Canada has operated, so it  
24 was our interest at the time of developing this  
25 fundamental research approach that we bring in the best



1 experts from around Ontario and in fact outside Ontario  
2 to help us decide what direction this research would  
3 go.

4 We had experts from various universities  
5 in Western Ontario, the University of Guelph; Oregon  
6 State University, as well as scientists from  
7 Agriculture Canada, Forestry Canada as well as the  
8 Ministry of Agriculture and Food in Ontario that, in  
9 fact, was currently searching for alternatives to  
10 pesticides in that agricultural situations.

11 Q. Those people had some involvement in  
12 the choice or the design of the program?

13 A. Absolutely. The components that you  
14 see there, it was a direct result of their input.

15 Q. Thank you.

16 A. I'd like to describe the three  
17 components of fundamental research in a little more  
18 detail.

19 The first one is an area of ecosystem  
20 dynamics. Obviously we're applying -- we apply  
21 vegetation management to, to the forest ecosystems and  
22 it was clear we needed to advance our knowledge about  
23 ecosystem impacts on processes associated with  
24 vegetation management activities.

25 We have number of different projects

1 under way in this area right now, and by and large with  
2 outside agencies, the Petawawa National Forestry  
3 Institute, we're looking at the microenvironmental  
4 influences associated with fire and mechanical site  
5 preparation.

6 With Forestry Canada in the Ontario  
7 region, we're -- have a researcher investigating the  
8 impacts on aquatic ecosystems associated with various  
9 kinds of vegetation management activities, treatments.  
10 We're examining seedling nutrients, recycling and on  
11 various kinds of soil disturbances associated with  
12 mechanical site preparation and prescribed fire through  
13 the Laval University; as well as examining how  
14 seedlings, individual tree seedlings responded to  
15 competitive stress, physiologically.

16 We believe this, this kind of knowledge  
17 will develop a framework for us to advance our whole  
18 approach to forest vegetation management.

19 The second one, the second component of  
20 fundamental research which was quite an interesting one  
21 to me that was recommended on -- by our, by our experts  
22 is a better understanding of our interface with  
23 society.

24 By and large, those of us in the  
25 biological sciences have not been involved closely with

1 those scientists in the social arena and it was clear  
2 that in order for us to advance our understanding,  
3 particularly with reference to developing socially  
4 acceptable techniques in vegetation management, that we  
5 develop a better understanding of what society wants  
6 with regard to this kind of forest management activity.  
7 So we currently are actively working with social  
8 scientists in universities to develop a better  
9 understanding in this area.

10 This is very early into the program but  
11 we have one program or project under way right now  
12 where we have literature review ongoing with North  
13 Americans and Europeans to think about the use of  
14 herbicides and other kinds of forest management  
15 activities. In some areas of North America and Europe  
16 we've already encountered the kinds of pressure that we  
17 see in Ontario a decade or more ago, as well as a  
18 survey of what Ontario citizens generally think about  
19 vegetation management, how much they understand about  
20 herbicide use, and our hope is that a better  
21 understanding in this area will let us do principally  
22 three things.

23 One, is educate foresters out there in  
24 the field with a better understanding of what the  
25 public generally wants from their vegetation management



1 activities. Since I'm in the business of trying to  
2 develop alternatives to herbicides, it would be very  
3 important for me to understand what people want and  
4 what they believe as, as acceptable.

5 And then by understanding better how to  
6 deal with the public, we can do a much better job  
7 educating the general public on what we do and why we  
8 do it, which historically, I think, many would agree  
9 the forestry profession has not done a very thorough  
10 job.

11 The third area of fundamental research is  
12 one that we separated from searching for treatment  
13 alternatives, simply because it's a much newer field.  
14 By and large, there's been not very much research in  
15 the area of forestry control using biological methods.  
16 There's been a fair bit of work over the past couple of  
17 decades with insect pest management. By and large, in  
18 the insect area, the use of Bt, for example, is an  
19 example of biological control method that has been  
20 developed and seems to be generally supported by the  
21 public as opposed to the synthetic insecticides.

22 With this activity, we're talking about  
23 using natural fungi, viruses, bacteria, insects and  
24 certain kinds of plants or even natural phytotoxins  
25 that are derived from these organisms to help us in our

1       vegetation management strategy.

2                       We currently have a quite a, quite an  
3       active effort in this area, principally because  
4       Forestry Canada has introduced a national research  
5       network in the area of forest biological control and,  
6       in fact, Canada right now has -- is the leader in the  
7       world in fact through to researchers focusing on areas  
8       of biological control for forest weeds.

9                       We're, we're sharing funding, in fact,  
10       with the forestry green plan to conduct this work. We  
11       had three specific research projects with different  
12       universities in Canada last year, we have eight  
13       projects ongoing this year. They include examination  
14       of viral or -- excuse me, fungal pathogens and natural  
15       phytotoxins primarily. A natural phytotoxin is a, is a  
16       compound that's derived from these, one of these  
17       organisms to help control weeds, and we're looking at  
18       the principle competitive weed species in Ontario with  
19       these techniques, such plants as blue joint grass, fire  
20       weed, aspen, alder, maple. This is a very new, very  
21       new area of research. Where it takes us is unclear at  
22       this point, and where pesticide registration at the  
23       federal level will take us with this area is all  
24       unclear; but it would -- I think it -- most forest  
25       managers understand that if they had a Bt analogue in

1 their vegetation management activity, that there would  
2 be more acceptance of what they currently do.

3 MR. MARTEL: We've heard that Bt itself  
4 has some real problems in terms of it can be washed  
5 off, if it's not appropriately applied and so on. How  
6 much work did -- or is work still ongoing to try to  
7 improve the quality of Bt itself and the fight against,  
8 for example, the bruce budworm?

9 DR. WAGNER: I'm -- that's not my area of  
10 research and I'm afraid I can't fill you in on any  
11 detail in that regard. I know there is an ongoing  
12 effort with Forest Pest Management Institute with  
13 Forestry Canada in that area, and I believe there have  
14 been some substantial changes in Bt just over the last  
15 few years, but beyond that I can't help you.

16 The next major component of the program  
17 is an education component. I think we recognize that  
18 in order for us to effectively transfer new information  
19 that we developed in the field to field foresters that  
20 we need to develop a very active education programs to  
21 transfer this technology to the field.

22 We currently have three components that  
23 were involved with -- in this effort.

24 The first is an advanced forest  
25 herbicides course. This course is -- well, it would



1 be -- it's organized, the first annual course, of this  
2 September and October. This is a two-week intensive  
3 course to elevate the general knowledge of spray  
4 applicators and forest managers on the use of  
5 herbicides. It's our view that if we're going to have  
6 an impact in this probe -- in this area of vegetation  
7 management that it's best to go where the rubber hits  
8 the road, so to speak, and that is get right down there  
9 to the forestry managers and the spray applicators and  
10 introduce the ideas of alternatives as well as improve  
11 their general understanding of application delivery  
12 systems and ways to reduce drift and protect sensitive  
13 areas, as well as protection of human health and  
14 under -- a better understanding of the general impacts  
15 that herbicides have on the forest environment. This  
16 is above and beyond the normal licencing requirements  
17 that are currently required of licencing for a  
18 pesticide application in Ontario.

19 We've brought -- we're bringing experts  
20 in from all over, in fact, all over the world to help  
21 teach this course, so we're quite excited and believe  
22 we have something that is -- well, we've had quite a  
23 number of demands from outside the province already to  
24 attend this course.

25 The second area, which I have identified,

1       there is alternative vegetation management practices,  
2       really what we call professional education. We have a  
3       number of foresters out there that need to be brought  
4       up to speed on where various parts in the world are  
5       with alternative vegetation management practices. I  
6       think it's generally recognized that as alternatives go  
7       we need to have a good understanding of general  
8       ecological principals. The idea here is through a  
9       variety of mechanisms to bring field foresters up to  
10      speed on their various aspects of what's new in  
11      vegetation management.

12               We have an ongoing vegetation management  
13      strategies course that we've held three times already  
14      in various parts of the province; an upcoming workshop  
15      this, this February looking at -- specifically focuses  
16      on alternative vegetation management strategies. This  
17      also includes a literature review of just compiling and  
18      synthesizing what we know about this area and getting  
19      out there to field foresters. And one of the best  
20      examples of this is what we call a body "ecology  
21      guide." It's a guide to the ecological characteristics  
22      of the various -- the noncrop species, plant species,  
23      that we deal with an understanding of their wildlife  
24      impacts and how to use cover crops, for example. So  
25      quite an array of what we call "technology transfer"

1 activities in this area.

2 And the last component to -- it's  
3 important not only for us to educate foresters on this  
4 field, but also bring the public up to speed on the new  
5 things that we're doing.

6 We've been fairly successful in getting  
7 some TV, radio and newspaper spots, particularly on the  
8 use of sheep, which some of you may have seen already,  
9 and we're working through the provincial sustainable  
10 forestry education efforts, as well as part of the, the  
11 offshoot of social science research is to just help us  
12 design a public education program and a strategy  
13 with -- on vegetation management alternatives.

14 The next couple of slides, then, I just  
15 want to make the point that this is not an activity  
16 that is restricted to the Ministry of Natural  
17 Resources, that we are working in cooperation with the  
18 forest industry. We have four forest companies right  
19 now as part of this, and we view them as a -- as  
20 critical. By and large, they have a responsibility for  
21 forest education management activities on their forest  
22 management agreement areas and getting their, their --  
23 these organizations and their field foresters involved  
24 in the activity is important. We've had, as you can  
25 see, a number of federal research agencies involved as



1 well as even the Agriculture Research Institute of  
2 Ontario, and universities, graduate students and  
3 professors from universities across Canada, the major  
4 ones involved in research in this area as well as  
5 various research consulting firms, and so forth, listed  
6 on the right.

7               So we're quite proud of what we've been  
8 able to do in a fairly short time in terms of making a,  
9 I think, a quite a comprehensive research program out  
10 of our provincial activities.

11              The last, last component of the program  
12 involves field delivery, and we recognize that those of  
13 us who work at universities and research institutes  
14 need to have a very active link with the field to get  
15 to a point where this technology can be transferred, so  
16 we actively have the -- I don't know if the Board has  
17 heard of the concept "technology development unit." We  
18 currently have staff members dedicated to this program  
19 in each of the technology development units, and they  
20 are -- this is our, basically, our field link to the  
21 program. And we're, as a result of this kind of  
22 cooperation, both at the field level and with the  
23 various research organizations, have been able to pull  
24 together a fairly substantial program in a short period  
25 of time.

1 I have a list of just the kinds of  
2 activities that we have, or at least the number ongoing  
3 this year.

4 Last year we, we were able to get about,  
5 the first year of the program, about forty different  
6 kinds of projects in the ground. And this year,  
7 consistent with the way programs generally develop when  
8 they're given a little bit of time, we have about  
9 twelve adaptive research projects, eleven fundamental  
10 research, two intensive education projects and, as you  
11 can see, with our -- each of the regional, which are  
12 now called "science and technology" units, they're  
13 quite a number of upwards of ten to twenty projects in  
14 each one of those regions, bringing our total to about  
15 seventy-six individual projects. And the publications  
16 and courses that would come out of this effort are  
17 already -- well, we're already seeing the fruits of it.  
18 We had over fifty publications last year and a number  
19 of about four or five courses that were put on for  
20 field foresters.

21 So in total this is the, the program.

22 MR. FREIDIN: Q. Dr. Wagner, the terms  
23 and conditions which have been -- the draft terms and  
24 conditions which have been filed by Forests for  
25 Tomorrow do not provide for and, in fact, prohibit the

1 use or the aerial application of herbicides. I was  
2 just wondering whether you could comment on the -- that  
3 particular term and condition?

4 DR. WAGNER: A. I have read the term  
5 and -- term and conditions that Forests for Tomorrow  
6 has put forth and I generally support the idea of  
7 moving toward integrated pest management strategies in  
8 vegetation management, because, by and large, it's what  
9 this program I've just described is intended to do.

10 The thing that causes me some concern or  
11 actually quite a bit of concern is the loss of use --  
12 aerial use of herbicides.

13 Q. Why?

14 A. By and large, the fundamental basis  
15 of integrated test management is that you have an array  
16 of alternatives available to you on which to use in a  
17 complementary manner to deal with various kinds of  
18 vegetation management activities.

19 Aerial herbicides are a vital tool that  
20 need to be used in some circumstances, and their loss  
21 represents a, a substantial loss to our ability to deal  
22 with many vegetation management problems.

23 Q. Do you have any view as to whether  
24 there's any practical significance to the loss of the  
25 aerial -- the ability to aerially apply herbicides?



1           A. Well, by and large, it will be a  
2           substantial percentage of the area that we currently  
3           treat that will not be able to be treated for several  
4           reasons, site access is, is a problem. Often the use  
5           of alternatives require that you have access during  
6           summer months to sites. Sites that have been winter  
7           logged, for example, it's very difficult to access them  
8           with ground equipment or people. So that -- just  
9           inability to access sites; in many cases labour may not  
10          be required, for example, to do manual cutting in the  
11          northern parts of the Boreal Forest where you've got  
12          large areas under forest management and a, a small  
13          labour force available to do it.

14                 Cost is also a significant problem.  
15          We've -- by and large, the alternatives to aerial  
16          application of herbicides are substantially more  
17          expensive, anywhere from two to three to ten times  
18          more expensive. If the budgets aren't available, and I  
19          think we're going to be -- currently experience that  
20          this year and, and last year that you just -- the sites  
21          are unavailable to be treated simply because the  
22          dollars are not available to use more expensive  
23          alternatives.

24                 Q. And based on your experience and your  
25          expertise, Dr. Wagner, do you have any view as to what

1 the effect would be of not treating some of these areas  
2 as a result of losing this particular tool?

3 A. Well, in, in my opinion there would  
4 be a substantial shift to hard woods, by and large,  
5 harvesting disturbance favours us sprouting shrubs and  
6 hard woods. It would be very difficult to maintain the  
7 conifers component to our mixed, mixed forests without  
8 the use of herbicides on a number of sites that would  
9 go untreated.

10 Q. Thank you.

11 Now, Mr. Kennedy, if I could refer you to  
12 the Board's letter of May the 11th, 1992, where they  
13 asked a number of questions. And in particular on page  
14 5, issue No. 22, it was in that particular issue that  
15 they asked for an indication of the Ministry's policy,  
16 initiatives in the area of vegetation management, and I  
17 think Dr. Wagner has provided that.

18 They also asked in relation to the  
19 initiative that Dr. Wagner has spoken about what such  
20 initiatives mean in the context of the approval sought  
21 by the Ministry of Natural Resources in this hearing.

22 I was wondering whether you can answer  
23 that particular Board question.

24 MR. KENNEDY: A. Yes. I think there are  
25 two situations really that come to, come to rise here.

1                   One is that -- one situation is that the  
2                   efforts that Dr. Wagner's talking about, the many  
3                   projects that he's put in place, will end up looking at  
4                   fine-tuning the methods that have already been  
5                   described before the Board to be currently used for  
6                   vegetation management. Those methods, such as manual  
7                   tending, use of herbicides, I think we'll be  
8                   fine-tuning it, and, as such, will just be extending  
9                   the coverage, the coverage that we currently apply for  
10                  through the evidence that's already been led.

11                  The other situation, however, is when  
12                  we're looking at new methods, such as he's described.  
13                  Some of the methods, the mulching and of the biological  
14                  control mechanisms, those are a different situation.  
15                  For those kinds of programs we have not sought approval  
16                  here through the evidence that Dr. Wagner has led  
17                  today.

18                  The way in which that will be -- come to  
19                  pass is in conjunction with the progress reports that  
20                  are prepared for projects such as this that I described  
21                  earlier in our evidence is that preparing those  
22                  progress reports, that there is a need to determine if  
23                  the appropriate year coverage is in place today, and,  
24                  if not, to seek the appropriate coverage.

25                  We reflected that in our terms and



1 conditions, in MNR term and condition No. 23. So at  
2 some point in time it may be necessary to put forward  
3 amendments to the approval, looking forward to coverage  
4 of new techniques to provide the necessary supporting  
5 documentation.

6 One, it may be possible that those  
7 activities would become available for widespread  
8 implementation in time of our returning before the  
9 Board for updating on how we've met the approval for  
10 the class year overall and it would be put forward as  
11 part of the new proposal.

12 Q. Thank you.

13 And another question which was asked by  
14 the Board was not in relation to herbicides and  
15 vegetation management which Dr. Wagner spoke to, but  
16 was in relation to insect pest management. And I'm  
17 sure the -- deal with this question as well in the  
18 issue, in your May the 11th, '92, letter is issue No.  
19 10 and there is reference to a section of the reply  
20 statement No. 1 which states - and I'll just read it  
21 just to refresh your memory. It says:

22 The proposal stipulates that when  
23 considering the use of insecticides where  
24 alternatives to chemical insecticides are  
25 commercially available, reasonably cost

1 effective and approved federally and  
2 provincially for use, the Ministry will  
3 use such alternatives in preference to  
4 chemical insecticides.

5 That's what the witness statement said.

6 The question which you asked was: Does this equate to  
7 the present and ongoing policy position of the  
8 Government of Ontario with respect to chemical  
9 insecticides? And, secondly, if the Board were to  
10 approve the application, would they be approving the  
11 aerial application of chemical insecticides?

12 I was wondering whether Mr. Kennedy could  
13 address those questions.

14 MR. MARTEL: Before he attempts to answer  
15 that, I would like to put that in some perspective.  
16 Because the thing that's worried me for four and a half  
17 year is that three subsequent governments have all  
18 taken the same position that there shouldn't be -- the  
19 governments, I'm not saying the Ministry, I've had some  
20 difficulty understanding how a ministry continues to  
21 prepare a program, a potential program when three  
22 subsequent governments have said: No, we're not using  
23 the process.

24 And it's that context that I, not  
25 speaking for my colleague, speaking for myself, how --

1 and you've heard me raise the question over, over again  
2 because I've heard MNR witnesses, and I believe some of  
3 the Industry witnesses take the position that these are  
4 the public's forests and they understand that the  
5 public doesn't want the use of pesticides. And I'm  
6 wondering how you tie all that together to come up with  
7 what we're coming out with and, and I quite frankly, I  
8 followed this extremely carefully and I'm still at a  
9 loss as to how all this comes about.

10 Yes, I'm referring to the moratorium of  
11 the three, starting back with, I think, Mike Harris --  
12 no, previous to '84, I guess, or '85 when Harris  
13 brought in his amendment, now the leader of the  
14 opposition or the third party, I forget which.

15 MR. FREIDIN: Well, I think we've led  
16 considerable evidence on this matter. I think Mr.  
17 Kennedy -- whether in fact it addressed the questions  
18 that you have raised, Mr. Martel

19 MR. KENNEDY: Mr. Martel, the position of  
20 MNR, and I believe it reflects the current position of  
21 the government, that chemical insecticides could still  
22 be used in some situations. There are situations where  
23 our, our people believe it's an appropriate tool which  
24 we should keep in our bag of tricks, if you will,  
25 available to us for use in particular situations.



1                   If I was to describe a situation, I think  
2                   the one that would come to mind would be where an  
3                   epidemic population has been determined and it has, has  
4                   been determined through an analysis that the most  
5                   effective proper control mechanism should be taken so  
6                   as to avoid the need for a wider spread control program  
7                   would be to use chemical insecticides.

8                   Our -- you're correct in our story line,  
9                   MNR's story line, before the Board through our  
10                  witnesses has been we would normally prefer to use  
11                  products that are alternatives to chemical  
12                  insecticides. We have put that forward to you in our  
13                  terms and conditions, part of Exhibit 2032 in appendix  
14                  14, in item 1(f) where we have reflected that, and I  
15                  believe that correctly reflects the correct position,  
16                  and, yes, it would have the effect of, if that term and  
17                  condition was accepted by the Board, put in place,  
18                  would have the effect of, of permitting MNR to use  
19                  chemical insecticides after going through the planning  
20                  program as laid out in appendix 14; weighing the  
21                  situation, weighing the alternatives that were  
22                  available, reviewing the situation at hand and arriving  
23                  at a decision in conjunction with a fair amount of  
24                  public consultation, but indeed that was the proper  
25                  method to use in that situation.

1 MR. FREIDIN: Madam Chair, that  
2 concludes the evidence of Panel No. 3 and if there are  
3 questions in cross-examination, I guess now is the  
4 time.

5 MADAM CHAIR: Thank you, Dr. Wagner, Mr.  
6 Kennedy.

7 Will you be cross-examining, Mr. Cassidy?

8 MADAM CHAIR: No, Madam Chair, not with  
9 respect to this panel.

10 MADAM CHAIR: Thank you.

11 Mr. Lindgren?

12 MR. LINDGREN: Yes, Madam Chair.

13 MADAM CHAIR: All right.

14 And Ms. Gillespie?

15 MS. GILLESPIE: Just a very few  
16 questions, thank you, Madam Chair.

17 MADAM CHAIR: How long will your  
18 cross-examination take, Mr. Lindgren?

19 MR. LINDGREN: Five minutes, Madam Chair.

20 MADAM CHAIR: Go ahead.

21 CROSS-EXAMINATION BY MR. LINDGREN:

22 Q. Dr. Wagner, can I start by referring  
23 you back to page 4 of your overheads which sets out the  
24 program goal for the VMAP program. And here we see an  
25 indication that the goal is to gradually reduce

1 dependence on herbicides in Ontario's forests by  
2 developing alternatives.

3 Can you tell me if the Ministry has, in  
4 fact, established any quantitative objectives, targets,  
5 time frames or deadlines for the actual reduction in  
6 herbicide use?

7 DR. WAGNER: A. Well, the, the  
8 announcement that came with the development of this,  
9 this program included a 20 per cent reduction by  
10 Minister Bud Wildman on the aerial application of  
11 herbicides, and that target was met.

12 Q. Was a similar target established for  
13 next year or for the year 2000, and so forth?

14 A. My, my understanding was that it was  
15 the -- the target was for that year and, by and large,  
16 I don't believe the program has gotten any bigger this  
17 year. In fact, I believe it's going to be smaller.

18 Q. And by that do you mean that there  
19 will be a smaller reduction in herbicide use this year?

20 A. My understanding is that there will  
21 be less aerial herbicides applied this year than last  
22 year.

23 Q. And you're not clear if a similar  
24 quantitative target has been set for next year. You  
25 don't know if in '93/94 there will be a 20 or 25 or 30



1 per cent reduction in herbicide use?

2 A. No, I do not.

3 MADAM CHAIR: Excuse me for a moment, Mr.  
4 Lindgren.

5 Mr. Freidin could you remind the Board  
6 where we had evidence of Mr. Wildman's target of the 20  
7 per cent reduction; and is that for '91/92?

8 ---Discussion off the record.

9 DR. WAGNER: My understanding was that  
10 was; the announcement was for fiscal year '91/92.

11 MR. FREIDIN: I'm not aware of whether  
12 that particular announcement has been filed as  
13 evidence. I guess now we do have evidence from Dr.  
14 Wagner on behalf of the Ministry of Natural Resources  
15 that the announcement was made, we have the date of  
16 that announcement, we have the nature of the  
17 announcement, so I guess you now have the evidence  
18 whether actually specifically led for an  
19 (inaudible) --

20 ---Court reporter appeals.

21 MADAM CHAIR: I saw you nodding your  
22 head, do we have that in evidence, Mr. Lindgren, before  
23 today?

24 MR. LINDGREN: I was only nodding my head  
25 because the information we heard corresponds with the

1 news release that I read with respect to this reduction  
2 in herbicide use, but to this point I have not  
3 introduced that into evidence, and I believe the MNR  
4 has not either. I mean, I'm somewhat surprised by  
5 that.

6 MR. FREIDIN: Well, as I indicated, Madam  
7 Chair, the important thing is if it's -- if it's the  
8 evidence that the Board wanted, the evidence is, is in  
9 now, whether it came in indirectly or whether it came  
10 in through Dr. Wagner in cross-examination. That  
11 evidence is on the record for your use as you see fit.

12 MR. LINDGREN: Q. And just picking up on  
13 that, Dr. Wagner, given that there has been a 20 per  
14 cent reduction in the aerial application of herbicide  
15 at least for this year, can you agree with me that it  
16 seems to indicate that the MNR and the industry can  
17 live with less herbicides for vegetation management  
18 purposes?

19 DR. WAGNER: A. I'm not sure I can speak  
20 for the MNR. I can speak for the field foresters, and,  
21 by and large, there's a concern that they are not able  
22 to treat everything they can treat under the current  
23 restrictions.

24 Q. Are you saying that the Minister was  
25 mistaken in imposing a 20 per cent reduction in

1 herbicide use for the current year?

2 A. No, I'm not making any such  
3 statement.

4 By and large, there is a, there is a --  
5 but they recognized in the field that they need to  
6 manage vegetation. They've gone about using some other  
7 alternatives to accomplish that objective.

8 Q. Well, are you saying that the  
9 Minister's announcement has hamstrung the ability of  
10 the foresters and the field to control vegetation?

11 A. What -- by and large, the way the  
12 field views it is that they have to select more  
13 carefully those sites that they can use the  
14 alternatives on and implement in many cases more  
15 expensive alternatives.

16 If the funds are not available, which is  
17 the case this year, sites just go untreated.

18 Q. On page 29 of your evidence we see  
19 that the program is going to be including a look at new  
20 application systems for existing herbicides, and I take  
21 it that that will include an examination of various  
22 ground spraying techniques; is that correct?

23 A. That's correct -- well, ground  
24 herbicide application systems. Some of them may be  
25 spraying and others may not.



1 Q. Can you confirm for me that ground  
2 applications may be carried out manually, i.e., by  
3 hand, or mechanically?

4 A. Yes. Either mechanically or  
5 manually.

6 Q. And can you confirm for me that  
7 mechanical ground spraying is currently being carried  
8 out within the area of the undertaking?

9 A. Yes, it is.

10 Q. In fact, one way it's being carried  
11 out is to apply herbicides in either pellet form or  
12 liquid form during the actually scarification process;  
13 is that correct?

14 A. Yes, that's correct.

15 MR. LINDGREN: Thank you, Madam Chair,  
16 those are my questions.

17 MADAM CHAIR: Thank you, Mr. Lindgren.

18 Ms. Gillespie?

19 MS. GILLESPIE: Thank you, Madam Chair

20 CROSS-EXAMINATION BY MS. GILLESPIE:

21 Q. Dr. Wagner, can you tell us how you  
22 anticipate the use of alternatives to herbicide  
23 affecting the size and shape of harvest patterns in the  
24 future?

25 DR. WAGNER: A. I don't, I don't believe

1 one follows the other.

2 By and large, the vegetation management  
3 prescriptions are generally based on the condition that  
4 foresters find themselves with. If they have a large  
5 cut block, then that sets up a certain set of scenarios  
6 for vegetation management; if it's smaller, they have  
7 another set of possible scenarios.

8 Q. So in your view, the use of  
9 alternative methods doesn't affect the size and pattern  
10 of harvest -- the size and shape of harvest patterns?

11 A. As a general statement, it does not.  
12 However, if the alternative strategy is, in fact, a  
13 change in harvesting, which can be the case, then it  
14 would affect that area of harvest.

15 MS. GILLESPIE: Thank you, Madam Chair.

16 MADAM CHAIR: Thank you Ms. Gillespie.

17 Mr. Freidin?

18 MR. FREIDIN: No re-examination and if  
19 we're going to break at noon for lunch, it would be an  
20 appropriate time; if not, I would ask for ten or  
21 fifteen minutes to get Panel 5 set up.

22 MADAM CHAIR: Why don't we have our  
23 regular lunch break, Mr. Freidin.

24 And perhaps before we break, we've been  
25 carrying around some paper that probably needs exhibit

1 numbers, so why don't we do some of that paperwork just  
2 before we break for lunch.

3 ---Discussion off the record.

4 MADAM CHAIR: The Board received  
5 correspondence from Mr. Bruce LaVigne and we received  
6 that correspondence on July 20th and Mr. LaVigne  
7 attaches various letters he has sent to the Ministry of  
8 Natural Resources and persons in the forest industry,  
9 and Mr. LaVigne identifies himself with the Northern  
10 Wilderness Outfitters Limited near Fort Frances. And  
11 as we normally do, we make all the correspondence we  
12 receive an exhibit. I don't know if the parties have  
13 seen any of this before or not.

14 MR. FREIDIN: Madam Chair.

15 MADAM CHAIR: Yes, Mr. Freidin.

16 MR. FREIDIN: If I can just interrupt for  
17 a moment. Dr. Wagner, I know, originally had a flight  
18 for one o'clock and I'm just wondering if, in fact, if  
19 he still wants to catch that flight whether he can be  
20 excused.

21 MADAM CHAIR: You certainly are excused.  
22 Thank you very much, Dr. Wagner.

23 ---Dr. Wagner withdraws.

24 MADAM CHAIR: This correspondence will  
25 become Exhibit 2292 and Miss McGregor who is assisting



1 us this week and next week - and please introduce  
2 yourselves, Jackie McGregor is sitting behind us - can  
3 make copies for you, if you want.

4 ---EXHIBIT NO. 2292: Correspondence received by the  
5 Board from Mr. Bruce LaVigne on  
6 July 20th, with attached letters  
7 sent to the Ministry of Natural  
Resources and persons in the  
forest industry.

8 MADAM CHAIR: We had a number of  
9 undertakings that were fulfilled by the Ministry of  
10 Natural Resources and sent to the Board and I don't  
11 know if they were sent around to the parties or not,  
12 these were undertakings coming out of our last round of  
13 satellite hearings in Ottawa, I don't know if you've  
14 seen these, Mr. Freidin. These undertakings are dated  
15 July the 15th through July the 17th and they are four  
16 separate undertakings -- I'm sorry, these come out of  
17 the community hearings in Toronto, Ottawa and North  
18 Bay.

19 The first has to do with information  
20 about the managed tax, the managed tax rebate program;  
21 the second has to do with a submission by Mr. Norm  
22 Sutherland, actually a video tape that was shown to us  
23 by Mr. Norm Sutherland in Ottawa and that was Exhibit  
24 1992; third undertaking had to do with information  
25 provided to the Board by Mr. Tim Gray (phoen) with

1       respect to clear cuts in the Gorden Cosens Forest; and  
2       the fourth undertaking had to do with respect to  
3       information provided to the Board by the Meadowside  
4       Lumbar Company. And we will make this package of  
5       information Exhibit 2293.

6       ---EXHIBIT NO. 2293:   Package of four undertakings  
7                                   fulfilled by the Ministry of  
8                                   Natural Resources.

9       ---Discussion off the record.

10                   MADAM CHAIR: We're also going to  
11       make as part of that package a fifth undertaking dated  
12       July the 16th and it was with respect to photographs  
13       filed by Mr. Paul McCormick and his submission was  
14       given Exhibit No. 1961.

15                   Mr. Freidin, we have a package of  
16       information that was given to us by Ms. Blastorah last  
17       summer, and it had to do with a transcript search on  
18       information in relation to nontimber resource  
19       management planning that had been given by MNR, and the  
20       Board can't recall whether that was ever made an  
21       exhibit or whether the parties didn't think it was  
22       necessary to make an exhibit. We lost our thread of --  
23       our tracks on this one, and the Board would like to  
24       simplify matters by making this material an exhibit  
25       now.

1                   MR. FREIDIN: Madam Chair, the nature of  
2                   that document is not the sort of thing that usually  
3                   becomes an exhibit. It is, in fact, it was something  
4                   that was requested and provided. That information,  
5                   some or all of it, may be referred to in argument by  
6                   various parties and I think you'll get, you know,  
7                   information about that through argument and the  
8                   transcripts are available. I think the fact the search  
9                   was done, is not the sort of thing that really should  
10                  be made an exhibit.

11                  If any of the parties disagree with that,  
12                  I'm sure they'll speak up.

13                  MADAM CHAIR: Any objections?

14                  Okay. We won't make this an exhibit.  
15                  It's here. I think that you probably received copies  
16                  of it anyway, but it's here if anyone wants to take a  
17                  look and we'll make a copy for you.

18                  ---Discussion off the record.

19                  MADAM CHAIR: The final matter has to do  
20                  with a letter we received from Ms. Kathleen Murphy  
21                  dated July the 23rd in which an extension was requested  
22                  to file written argument and the extension was to  
23                  September the 15th; and the Board has no objection to  
24                  granting that extension.

25                  ---Discussion off the record.



1                   MADAM CHAIR: Yes. And also we're  
2                   revising the schedule in some small ways with respect  
3                   to final argument.

4                   With Mr. Pasco's departure some of the  
5                   dates they fall, for my situation anyway, they fall in  
6                   some of the Jewish holidays and those two weeks are  
7                   very, very cut up and Mr. Martel and I want to make  
8                   sure that the parties' time is spent very wisely,  
9                   particularly since we're in Sudbury, and Mr. Martel has  
10                  taken it upon himself to work out the schedule in a  
11                  better way and each of the parties will be given two  
12                  concurrent days to do their oral arguments, so two  
13                  trips to -- you won't be splitting your argument.

14                  That had been an oversight and we didn't  
15                  notice it, and we are taking every step we can to make  
16                  the schedule a better one.

17                  MR. CASSIDY: Madam Chair, sorry Mr.  
18                  Martel, we, "we" being the counsel present, had  
19                  discussed the idea of when oral argument was going to  
20                  be presented and we had a proposal to put to you in  
21                  terms of when we might start it. Is it best that we  
22                  deal with that now or wait until, or wait and see what  
23                  the Board has come up with on its own?  
24                  ---Discussion off the record.

25                  MADAM CHAIR: We've had some discussion.

1       Why doesn't Mr. Martel fill you in on what our thinking  
2       is now, and then we'll listen to your proposal if you  
3       think this won't be appropriate.

4               MR. MARTEL: I think we are sending out  
5       today a copy of the revised one which would start, I  
6       believe, the day after Thanksgiving for final reply  
7       argument -- or final argument. Because of the  
8       holidays, as my colleague has mentioned, would have  
9       brought the parties back and forth, interfering, and  
10      because they're in two different weeks we couldn't  
11      even -- it would have broken it down even worse, so we  
12      simply made a decision that we would sit, I believe,  
13      the date is the 11th or something like that.

14             MR. FREIDIN: The 13th.

15             MR. MARTEL: The 13th. The Tuesday after  
16      Thanksgiving and run that week for four days, to make  
17      up for one day, I believe, and keep in mind that giving  
18      everyone two days we didn't want to go till Thursday  
19      that week because we would force someone to bring back  
20      witnesses or the possibility of bringing back  
21      witnesses -- or not -- but just people with them anyway  
22      and not split it up in the middle.

23             And then we're still contacting a few  
24      parties just to see if the times they indicated to Mr.  
25      Pasco could be firmed up more, more realistically in

1 terms of I think we had three in one day, and if one  
2 breaks that up, that gives a party maybe an hour and a  
3 half and I'm not sure that was adequate.

4 Now, we're also asking some of the other  
5 parties to give us a more firm amount of time, such as  
6 OMAA, how much time do they really want?

7 But taking all that into consideration I  
8 think we still end up, at the outside, it would be the  
9 10th of November. If we could work it in, we could  
10 probably finish up on Friday the 6th, but again we  
11 didn't want MNR - I think they would be the last  
12 party - to split and have to come back for a Monday.  
13 If we were going to do it, we would come back Monday  
14 and Tuesday rather than stay the five days that week  
15 and finish up on the 10th of November.

16 I don't know how that fits in, Mr.  
17 Cassidy, with what you were going to propose, but we're  
18 sending out a draft and that should be in your offices  
19 today or tomorrow. And if people could tell us if  
20 they, once they've got it, whether their time -- but  
21 see, some of the parties that are here, we've been able  
22 to deal with it. It's some of the other parties that  
23 Mr Beram's been trying to call, he started calling on  
24 Friday. I don't know if he got a hold of everyone, but  
25 we were just trying to just get it firmer, for example,



1 I use OMAA as an example. We're not sure how much time  
2 they want or Treaty 3 or NAN. We can make it much more  
3 careful if we can just get an indication of precisely  
4 how much time these groups feel they need, we might be  
5 able to finish by the 5th or something like that, which  
6 is roughly on schedule.

7 I think we had scheduled the 4th or the  
8 5th as the final day here, anyway, even though we're  
9 granting the extra time requested by MNR and moving  
10 back the starting time a couple of weeks. We were just  
11 losing too much time in various places and making it  
12 pretty difficult for everyone. We thought we could  
13 simplify it.

14 MR. CASSIDY: Our proposal was pretty  
15 unsophisticated. Mr. Martel, we were going to propose  
16 that argument commence on the 19th. As I understand  
17 what you're saying, your suggestion is that we commence  
18 in the week of, if Thanksgiving is October 12th,  
19 commence the week of October 13th. I can only speak  
20 for myself and my colleague Ms. Cronk, we have a  
21 hopeless conflict ourselves at the week of October 12th  
22 which is the only problem with that week from our  
23 perspective, but it is, I can assure you, quite a  
24 hopeless one. We cannot get out of the prior  
25 committal, we have committed to another administrative

1        tribunal and -- but the week of October 19th, having  
2        canvassed it with Mr. Lindgren and Ms. Gillespie and  
3        Mr. Freidin, appear to be convenient for at least these  
4        three major parties to commence.

5                    The reason for commencing October 19th  
6        was not solely concerned with our hopeless conflict, it  
7        was to reflect the period of time that we thought the  
8        Board would need for the review of this material to  
9        make it consistent if we were to agree to MNR's moving  
10       back to September 15th for the date of final written  
11       arguments, roughly the same time frame as from  
12       September 4th to September 30th, and there was a happy  
13       marriage there with our hopeless conflict from our  
14       personal perspective, but I can advise you that's what  
15       our position would be even after we see your draft,  
16       and, as a result, we would request the week of October  
17       19th to commence. And I think I speak for all three  
18       parties here, in respect of that -- or four parties.

19                   MR. MARTEL: Trust you to call everybody  
20       back again.

21                   We thought it was helpful what we were  
22       attempting to do, so as to avoid the conflict on the  
23       various weeks in September, but you're hopelessly lost,  
24       you say - I mean just in time, Mr. Cassidy.

25                   MR. CASSIDY: I can tell you where we'll

1 be the week of October 12th, the -- so in that place  
2 we're not lost, but it is --

3 MR. MARTEL: I just said in time.

4 MR. CASSIDY: Yes. But we just cannot  
5 get out of it, unfortunately.

6 ---Discussion off the record.

7 MR. MARTEL: I will review it with that  
8 information in mind and talk to Mr. Beram today to see  
9 when he talks to the various other parties that he  
10 hadn't heard back from yet.

11 MR. CASSIDY: Is it the Board's intention  
12 to sit five days? Listening to arguments, it's for  
13 Monday through Thursday?

14 MADAM CHAIR: No, because the problem  
15 becomes, one, Mr. Cassidy, if parties have two days for  
16 the full time parties, then you're going to force  
17 someone to make two trips and we don't want to do that.  
18 ---Discussion off the record.

19 MS. GILLESPIE: Madam Chair, just one  
20 other item to do with the scheduling that we noticed  
21 when we received the first schedule is the sequence  
22 appears to be in error, and I'm wondering whether  
23 that's going to be changed in the new schedule.

24 MR. MARTEL: We have moved MOE to, I  
25 think, the final position where they've been



1 traditionally and then just followed by MNR at the very  
2 end as they wrap up. But you've now been moved. I  
3 think there were the CASIT that was ahead of you and --  
4 or you were ahead of them and we've moved you right  
5 down.

6 MS. GILLESPIE: Thank you.

7 MADAM CHAIR: I take it, then, you'll be  
8 getting another draft schedule to comment on. Just  
9 ignore the one you get today. This is why I stay out  
10 of schedulings.

11 We'll take our lunch break now. Oh, Mr.  
12 Freidin?

13 MR. FREIDIN: Not in relation to  
14 scheduling, but just sort of a clean up matter in terms  
15 of exhibits.

16 There was a map of forest access roads  
17 provided to the Board along with a text which explained  
18 it, that particular map and the explanation have not  
19 been given an exhibit number and I think they should  
20 probably be given one, perhaps a "A" and a "B"  
21 connotation.

22 MADAM CHAIR: Thank you, Mr. Freidin, for  
23 reminding us about that and --

24 MR. FREIDIN: Maybe Mr. Kennedy can  
25 describe or indicate how we would describe that map.

1 MR. KENNEDY: I believe in earlier  
2 correspondence to the Board and all full-time parties  
3 dated September the 20th, 1991, we simply described it  
4 as forest access road system map. It's just that it  
5 would be useful here.

6 MADAM CHAIR: Thank you, Mr. Kennedy.  
7 And we might add for the record that it's a very large  
8 map. And it's something that the Board, I understand  
9 that we have it here in Sudbury, that's because you're  
10 using it in your reply evidence. And we're going to  
11 want it back as soon as we finish the reply, reply  
12 evidence.

13 The map itself will be Exhibit 2294A; and  
14 the correspondence that accompanied it was dated  
15 December 20th, 1991?

16 MR. KENNEDY: That's correct.

17 MADAM CHAIR: Will be Exhibit 2294B.

18 ---EXHIBIT NO. 2294A: Forest access road system map.

19 ---EXHIBIT NO. 2294B: Accompanying correspondence  
20 dated December 20th, 1991.

21 MADAM CHAIR: We'll have our lunch break  
22 now and be back at one-thirty.

23 ---Luncheon recess at 12:17 p.m.

24 ---On resuming at 1:30 p.m.

25 MADAM CHAIR: Good afternoon. Good

1 afternoon, gentlemen.

2 Mr. Freidin.

3 MR. FREIDIN: I was looking forward to  
4 announcing the opening of Panel 5 because I thought I  
5 was going to be able to say that it was our last panel,  
6 but because of the change I'll save that for next week.

7 And if I could then commence Panel 5 by  
8 filing as the next exhibit a copy of the Ministry of  
9 Natural Resources reply statement of evidence No. 5  
10 entitled: Selected Issues Arising from Other Parties'  
11 Proposed Terms and Conditions.

12 MADAM CHAIR: This document will become  
13 Exhibit 2295.

14 ---EXHIBIT NO. 2295: Ministry of Natural Resources  
15 reply statement of evidence No. 5  
16 entitled: Selected Issues  
Arising from Other Parties'  
Proposed Terms and Conditions.

17 MR. FREIDIN: The next document I would  
18 like to file, Madam Chair, is a letter dated July the  
19 23rd, 1992, from Kathleen Murphy to all full-time  
20 parties, it's an erratum and it, in fact, is a  
21 replacement for the paragraph on page 5 of the witness  
22 statement which is indicated in the letter.

23 MADAM CHAIR: This one page errata will  
24 be Exhibit 2296.

25



1       ---EXHIBIT NO. 2296: One-page errata sheet dated July  
2                                   3, 1992, from Kathleen Murphy to  
                                 all full-time parties.

3                   MR. FREIDIN: The next thing that I'd  
4       like to file as an exhibit is a letter of June the  
5       29th, 1992, from myself to Ms. Swenarchuk. The letter  
6       contains the responses by MNR to Forests For Tomorrow  
7       interrogatories in relation to this panel, and the  
8       interrogatory numbers are referred to in the  
9       correspondence.

10                  MADAM CHAIR: That's the June 29th  
11       letter?

12                  MR. FREIDIN: Yes.

13                  MADAM CHAIR: Thank you.

14                  This will become Exhibit 2297.

15       ---EXHIBIT NO. 2297: Letter dated June 29, 1992, from  
16                                   V. Freidin to Ms. Swenarchuk,  
17                                   containing responses by MNR to  
                                 Forests For Tomorrow  
18                                   interrogatories in relation to  
                                 Panel 5.

19                  MR. FREIDIN: Madam Chair, if I might,  
20       you'll note in the letter that it indicates that our  
21       responses to some other questions in relation to this  
22       panel were filed on June the 19th, 1992 -- apparently  
23       were provided to them on June the 19th, '92.

24                  Can you confirm for me that they were  
25       marked as an exhibit when Mr. Callaghan gave his

1 evidence back in Panel No. 2?

2 Mr. Lindgren had the number, and maybe  
3 you can just tell us what that number was, Rick.

4 MR. LINDGREN: It's my recollection that  
5 that package is marked as Exhibit 2260, subject to  
6 confirmation.

7 MADAM CHAIR: Our records shows that,  
8 yes, these are the interrogatories for Reply No. 5, and  
9 that is Exhibit 2260.

10 ---Discussion off the record.

11 MR. FREIDIN: The next document I would  
12 like to file, Madam Chair, is the curriculum vitae of  
13 Laurie A. Grvelines who is sitting to your immediate  
14 right.

15 Mr. Grvelines -- sorry.

16 MADAM CHAIR: Mr. Grvelines' CV will  
17 become Exhibit 2298.

18 ---EXHIBIT NO. 2298: Curriculum vitae of  
19 Laurie A. Grvelines.

20 MR. FREIDIN: Mr. Grvelines advises me,  
21 Madam Chair, that he would prefer to be sworn.

22 So, Mr. Grvelines, if you could just  
23 approach the chair, so you can...

24

25

1                    LAURIE A. GRVELINES; Sworn.  
2                    FRANK KENNEDY,  
3                    RICH GREENWOOD,  
4                    KEN ARMSON,  
5                    DAVE GORDON,  
6                    KEN ABRAHAM,  
7                    AL BISSCHOP; Resumed.

8                    ---Discussion off the record.

9                    MR. FREIDIN: Madam Chair, Mr. Lindgren  
10                   has pointed out to me that the erratum that we've filed  
11                   has an error in it. It says that it's an amendment to  
12                   page 5, item No. 3 - it should read page 33, item 3.

13                   Madam Chair, all the parties and the  
14                   Board have had a copy of Mr. Grvelines' CV, I think  
15                   since some time last week, and in order to move things  
16                   on, rather than going through it I would, would ask  
17                   that based on that CV and subject to any objections  
18                   that Mr. Grvelines be qualified as an economist with  
19                   expertise in resource management issues with an  
20                   emphasis in forestry related issues.

21                   MADAM CHAIR: Any objections from the  
22                   parties?

23                   Mr. Grvelines shall be so qualified.

24                   DIRECT EXAMINATION BY MR. FREIDIN:

25                   Q. I'd like to begin this panel, Madam  
Chair, by asking Mr. Kennedy to provide an introduction  
or overview to the evidence that you'll be hearing



1 today and for a short period of time tomorrow.

2 MR. KENNEDY: A. Madam Chair, as you  
3 recall in our MNR Reply Panel 4, 1 to 4 provided  
4 evidence on the topics that MNR felt we needed --  
5 needed reply throughout the hearing.

6 Our Reply Panel 5, it deals with the  
7 terms and conditions that were filed by the parties  
8 since those earlier panels were prepared. As such, it  
9 contains a number of topic areas. As we have done in  
10 other reply panels, we don't intend to deal with all  
11 issues in all subject matters, but we have selected a  
12 number of the more important issues that we feel should  
13 be addressed orally. And to that end, we've put  
14 together this witness panel.

15 If they are other subject areas that the  
16 Board wishes to pursue that are contained in Panel 5  
17 or, indeed, if the parties want to cross-examine on  
18 other areas, this panel will do the best of their  
19 ability to provide answers. If we are defficient, we  
20 will certainly provide undertakings on those subject  
21 matters we won't be presenting oral evidence on if we  
22 find there's a need for more detail.

23 In the beginning I would like to quickly  
24 outline which panel members will be dealing with which  
25 subject matters. Mr. Al Bisschop will be starting off

1 our discussion with response to several suggestions  
2 that have come forward in terms and conditions dealing  
3 with road planning and optional areas of operations.

4 I will then follow Mr. Bisschop and be  
5 making some response to a proposal that has come  
6 forward from Forests For Tomorrow dealing with an  
7 operations map.

8 Mr. Rich Greenwood will follow me,  
9 dealing with the subject matter of growth and yield.  
10 You may note this is a subject matter that was  
11 described in Panel 3. We have brought it forward to  
12 Panel 5 in order to maximize Mr. Greenwood's  
13 availability in the subject of -- subject area which  
14 I'll mention in a moment.

15 Dave Gordon has joined us on this panel  
16 to respond to Forests for Tomorrow's silvicultural  
17 guidelines on behalf of a group of individuals who have  
18 reviewed that material.

19 Ken Armson has joined the panel to deal  
20 with the subject matter of site productivity; and Mr.  
21 Rich Greenwood will discuss the second topic today,  
22 which is the long-term forest productivity study.

23 Laurie Grvelines and myself will deal  
24 with the matter of socioeconomic issues that we've seen  
25 arise in terms and conditions as well as some carry

1 over from Panel 3 to that area as part of the  
2 continuing development; and I'd like to assist the  
3 Board by providing a summary, a brief summary, at the  
4 end of the panel as a number of messages, concluding  
5 remarks for the panel.

6 We have also asked Dr. Ken Abraham to  
7 join us on the panel. It is not our intention to have  
8 Dr. Abraham lead any evidence in chief in part of the  
9 Reply Panel 5, but we thought it would be appropriate  
10 to provide some linkages to the biological aspects  
11 covered in the earlier panels which may assist the  
12 Board if they have any questions or indeed may assist  
13 other counsel for clarification of items as they relate  
14 to other panels in that area.

15 Mr. Bisschop?

16 Q. Before we begin, Mr. Kennedy, I'm not  
17 too sure, I may just have missed it, but in the  
18 outline, maybe the Board can confirm, Mr. Bisschop was  
19 going to deal with two areas, the response to road  
20 planning - I'm not too sure whether you mentioned that  
21 he will also be responding to the issue of optional  
22 area of operations which was an issue raised by, I  
23 think, primarily the Ministry of Environment.

24 If, in fact, I'm repeating you, I  
25 apologize; if not, I think that will correct the

1 record.

2 And with that, Mr. Bisschop, perhaps you  
3 could start with the area of road planning.

4 Oh, and before we do Madam Chair, I  
5 should file a set of overheads and these overheads are  
6 dealing with the first three topics: Road Planning;  
7 Optional Areas for Operations - those two areas to be  
8 spoken to by Mr. Bisschop; and Forest for Tomorrow's  
9 proposal for an operations map, which will be spoken to  
10 by Mr. Kennedy.

11 MADAM CHAIR: This package will be  
12 Exhibit 2298 -- excuse me, 2299, not 98.

13 ---EXHIBIT 2299: Overhead entitled: Road Planning;  
14 Optional Areas for Operations; FFT's  
Operations MAP Proposal.

15 MR. BISSCHOP: Thank you, Madam Chair.

16 And the first subject I'm going to speak  
17 to is road planning, and the approach that I'm going to  
18 take to each of the two subjects I will speak to will  
19 be to give a general overview of what MNR's approach is  
20 on the subject, where the evidence can be found in  
21 terms of MNR's approach, and in the case of the  
22 optional areas of operations, where you will find the  
23 information in the MOE evidence.

24 I will then speak to the concerns MNR has  
25 about the positions of the other parties and respond



1 with MNR's overall response in relation to those  
2 concerns.

3 So on the subject of road planning, we  
4 may want to number these pages, I believe, of the  
5 overheads.

6 MR. FREIDIN: Q. That will be page two,  
7 then.

8 MR. BISSCHOP: A. I have a total of  
9 eleven pages.

10 So turning to page 2, briefly to  
11 summarize the approach of MNR on road planning, I won't  
12 get into the details, I'll simply advise as to where  
13 those positions are set out.

14 Essentially MNR's entire approach to road  
15 planning is set out in a, in a very comprehensive  
16 package in terms and conditions themselves, terms and  
17 conditions 24 and 27 dealing with primary roads; and 37  
18 to 34 dealing with road locational planning for the  
19 five-year term in the timber management plan.

20 In MNR's Reply Panel 1, Exhibit 2252, and  
21 also in the Exhibit 2255, which was the package of  
22 overheads that Mr. Kennedy used in Panel 1, we  
23 described the changes that MNR has made to its position  
24 on road planning since the evidence in our original  
25 Panel 15, and Mr. Kennedy briefly introduced the Board

1 to a couple of concerns that we had about other  
2 parties' positions, although we did not yet have all of  
3 the terms and conditions of the other parties. So I'm  
4 going to basically expand on those concerns and present  
5 MNR's response.

6 The further elaboration of, of our  
7 concerns is in Reply Panel 5 on pages 36 to 43 where we  
8 essentially provide our critique of the proposals of the  
9 other parties and provide a further explanation of what  
10 MNR's position is on those other matters and what --  
11 how MNR sees its approach addressing the kinds of  
12 concerns that have been raised.

13 In terms of the concerns about the other  
14 parties' positions, on the next two pages beginning  
15 with page 3 of the overheads, I have dealt with each  
16 party individually and then later in the responses,  
17 MNR's response, I've tried to capture those items in  
18 terms of subject areas, rather than responding to an  
19 individual parties' suggestion.

20 So first of all, dealing with Forest for  
21 Tomorrow's terms and conditions, I've identified the  
22 appropriate -- the applicable terms and conditions as  
23 Ts and Cs 38 to 43, and 59 to 66. There are three main  
24 areas we'd like to discuss.

25 First of all, the subject of roadless

1 areas, the requirement of FFT that in timber management  
2 planning there be an analysis of roadless areas. On  
3 pages 37 to 38 of Panel 5, Exhibit 2295, we discuss  
4 that subject matter and provide our critique of what  
5 FFT is suggesting, raising questions about the, the  
6 lack of a, of a comprehensive definition of what the  
7 requirement will be, what would be expected in that  
8 analysis; we raised questions about the practicality of  
9 its application; we raised questions about the  
10 appropriateness of addressing what we view as a land  
11 use planning matter in timber management planning, and  
12 essentially take the position that the consideration of  
13 roadless areas in timber management planning is an, is  
14 an unnecessary requirement in the process, because in  
15 timber management planning we advance roads, not just  
16 for the sake of roads, they are part of a package of  
17 activities to carry out timber management. Roads are  
18 essential to carry out the operations. Roads are  
19 expensive, we would only advance roads in timber  
20 management plans for the purpose of carrying out the  
21 other activities.

22 FFT also suggests additional analysis  
23 requirements in, in relation to the planning of  
24 alternative road corridors for primary and secondary  
25 roads, and I've identified a couple of examples of the



1 additional requirements they have, one being,  
2 examination of not only mitigation measures at the  
3 corridor level, but alternative mitigation measures.

4 A requirement that we, we view as not  
5 appropriate at the corridor level kind of analysis, but  
6 rather they want to look at details of mitigation  
7 measures in the appropriate situations and in relation  
8 to roads where values are affected and attempts to  
9 prevent, minimize, or mitigate the effects of access on  
10 those values. So we would address it at a different  
11 scale, a different level of planning at the time when  
12 we plan road applications where we're dealing with  
13 areas of concern.

14 They also require a cost benefit analysis  
15 for each and every road that's advancing with timber  
16 management plan, presumably it would require a cost  
17 benefit analysis of each alternative road corridor  
18 that's put forward. We see that as a unnecessary  
19 requirement on a routine basis. Again, we put forward  
20 roads responsibly for the purposes of carrying out the  
21 other activities of timber management. Our approach  
22 would be to provide information on the costs of  
23 alternative road corridors as a factor that's  
24 considered in the evaluation and comparison of  
25 alternatives, but the, the rigor of a routine cost



1 benefit analysis we see as a onerous and unnecessary  
2 requirement.

3 Finally, on the subject of the "null"  
4 alternative which FFT has included as a requirement in  
5 the environmental planning for roads, we will be  
6 dealing with this again in some detail in, in terms of  
7 the EA legal position in our Panel 4 evidence next  
8 week, so I'm got going to get into that now. But we,  
9 we see the requirement for having to consider the null  
10 alternative in road planing in timber management plans  
11 as basically raising questions not so much about "yes",  
12 "no" for roads, but "yes", "no" for any timber  
13 management operations at all.

14 And in that sense it raises questions  
15 about land use in timber management planning, and we  
16 take the position that timber management plans are  
17 produced for areas from forest management units,  
18 operations are planned where timber management is a  
19 permitted use, as previously determined in land use  
20 planning, and those kinds of questions ought not to be  
21 raised again in timber management plans.

22 As I said earlier, we will deal with our  
23 legalistic approach to the whole subject of  
24 consideration of null in Environmental Assessments in  
25 Panel 4.

1                   Q. Mr. Bisschop, when Mr. Lindgren was  
2 cross-examining Mr. Kennedy in Volume 386 commencing  
3 about page 66580, just before that they were having a  
4 discussion about road planning, the subject matter of  
5 alternatives, including the null alternative. In the  
6 middle of that particular cross-examination Mr. Kennedy  
7 said at page 66581 starting at line 5, he said: Mr.  
8 Lindgren, perhaps the best I can do for you here today  
9 is advise you that our environmental planner Mr.  
10 Bisschop will be present - he said there in Panel No.  
11 4.

12                   Notwithstanding that, Mr. Lindgren asked  
13 some more questions about road planning.

14                   I'm just wondering whether you've had an  
15 opportunity to review that evidence about road planning  
16 and have any comment?

17                   A. Yes, Madam Chair. In the, in the  
18 evidence on -- in cross-examination of Mr. Kennedy on  
19 the subject of consideration of the null alternative in  
20 road planning.

21                   First of all, Mr. Lindgren asked  
22 questions about the consideration of the null  
23 alternative when it came to the subject of corridor  
24 planning for primary and secondary roads. And Mr.  
25 Kennedy's evidence was the same as I, I just indicated

1 to you, that we do not see that as a appropriate  
2 requirement for dealing with the corridor level of  
3 planning, because it essentially raises questions not  
4 so much about "yes", "no" for roads, but "yes", "no"  
5 for any timber management operations.

6 Mr. Lindgren then took him to the terms  
7 and conditions that deal with road planning, the more  
8 detailed road planning that appears in areas of  
9 concern, in our term and condition 20 -- sorry, 42 and  
10 43 deal with the planning requirements for primary and  
11 secondary roads when a road corridor which has been  
12 previously selected through the corridor analysis  
13 traverses an area of concern.

14 And Mr. Lindgren's criticism was that we  
15 do not require the consideration of null at that stage  
16 either.

17 Mr. Kennedy in response to that said,  
18 basically, that that interpretation was incorrect.

19 However, I'd like to -- Mr. Kennedy and I  
20 have discussed that and I'd like to, I guess, bring the  
21 environmental planning perspective to that.

22 Mr. Kennedy was trying to get across the  
23 point that there may be situations in corridors where  
24 there are values that we will attempt to avoid when we  
25 do the detailed road planning within a corridor. And

1 he was trying to get across that we may make decisions  
2 not to go into an area with a value when it comes to  
3 the detailed road planning. And that is correct.

4 However, the term and condition deals  
5 with the situation where you are going to traverse the  
6 area of concern. For example, you may have selected  
7 your road corridor, that road corridor is crossed by a  
8 stream, you are going to have to cross that stream  
9 somewhere within that corridor, so the whole  
10 consideration of null is really not even available to  
11 you because you have already made the decision at the  
12 corridor stage that you're going to cross that value.  
13 So null is not a consideration available, you are  
14 simply going to proceed through the planning  
15 requirements of those terms and conditions to find the  
16 best place to cross that stream in that instance.

17 Turning to the terms and conditions of  
18 the OFIA.

19 MADAM CHAIR: Excuse me, Mr. Bisschop,  
20 before we leave Forests for Tomorrow's terms and  
21 conditions, with respect to the policy about roadless  
22 areas that MNR has, is there a policy that MNR has  
23 about maintaining roadless areas with respect to timber  
24 management planning?

25 MR. BISSCHOP: MNR currently has no



1 policy on the subject of roadless areas. The -- in  
2 fact, we are -- we have not considered the concept of  
3 roadless areas in any of our land use resource  
4 management planning prior to this hearing.

5 The concept is being examined through the  
6 land use planning review that is -- has been initiated  
7 and that you'll hear some more about in Panel 4. In  
8 association with that, MNR is also examining the, I  
9 guess, the subject of the park system, wilderness, et  
10 cetera, through the endangered spaces initiative, and in  
11 that sense the whole concept of roadless areas is  
12 something -- a new concept within MNR that will be  
13 examined, and I'm not sure that it would even have the  
14 label "roadless areas" in the end. But the, the basic  
15 kinds of considerations are going to be examined at  
16 what we feel is the appropriate level in MNR's planning  
17 system during land use planning rather than the  
18 resource management planning.

19 MADAM CHAIR: And when you talk about the  
20 "endangered spaces initiative", and we have received  
21 evidence from the Canadian Wild...

22 MR. BISSCHOP: The World Wildlife Fund?

23 MADAM CHAIR: ...the World Wildlife Fund  
24 in Ottawa, is this the same program that you're talking  
25 about? And what is MNR's review of that?

1 MR. BISSCHOP: It is the same program.

2 I'm not very familiar with the details of that. I  
3 believe we will be presenting some direct evidence on  
4 that in Panel 4 next week.

5 Perhaps Mr. Kennedy could advise.

6 MR. KENNEDY: Madam Chair, we have an  
7 issue under way working with those individuals, and one  
8 of the first steps is cataloguing the areas that are  
9 currently in the protected category, if you will. But  
10 I'm not in a position to provide you a lot of  
11 information. It is something that we can undertake to  
12 provide further details for you next week during Reply  
13 4 if you're interested.

14 It would not be our intention right now  
15 to lead a lot of evidence on that; rather, just to deal  
16 with it in passing, at least the way we have time  
17 today. If you have an interest though, we can pursue  
18 it further.

19 MADAM CHAIR: Yes, the Board is  
20 interested in knowing the status of any of MNR's policy  
21 development on roadless areas and where, where you see  
22 the connection between that and timber management  
23 planning.

24 ---Discussion off the record.

25 MR. FREIDIN: Madam Chair, for the

1 purpose of perhaps clarifying that, there are a number  
2 of difference -- definitions, ways of describing  
3 roadless areas. Does the Board have something in mind  
4 as to what a roadless area is and that you want some  
5 information about or can you try any assistance along  
6 those lines?

7 MADAM CHAIR: I wish that we had a  
8 definition, Mr. Freidin. I wish the people who have  
9 made submissions to us about their concern that there  
10 be roadless areas somewhere in Northern Ontario had a  
11 better idea of what that would involve.

12 Obviously we've had individual  
13 submissions, such as that from Mr. Vicky Maher (phoen)  
14 and other individuals. I don't know if there's any  
15 common theme among those various submissions, but the  
16 Board is certainly interested in hearing what MNR's  
17 thinking is about roadless areas, whether you think  
18 that sort of situation can be influenced or promoted  
19 through timber management planning. I think that would  
20 be the Board's interest.

21 And also with respect to argument, I'm  
22 sure we'll be hearing what you think our jurisdiction  
23 is with respect to considering roadless areas in the  
24 area of the undertaking.

25 MR. FREIDIN: Yes.



1 MR. BISSCHOP: Madam Chair, continuing  
2 with the discussion of the approaches of other parties,  
3 and again on page 3 of our set of overheads. Moving to  
4 the terms and conditions of the Ontario Forest  
5 Industry's Association, the appropriate terms and  
6 conditions are 24 to 27, 37 to 44 and condition 36 also  
7 applies, it deals with the Industry's approach to the  
8 enhanced planning process which is related to this  
9 matter.

10 The concerns that MNR has about the  
11 proposals of OFA. First of all, the Industry has  
12 continued to maintain their long held position that  
13 there ought not be requirements for looking at  
14 alternative corridors for "full length" of secondary  
15 roads.

16 MNR's position on that is that we believe  
17 that that is, is unacceptable, that both MNR and the  
18 public will want to have an understanding of the  
19 reasons behind locating secondary roads where they will  
20 be located, and that will require some consideration of  
21 alternatives and reasons for the decision that the  
22 roads will be located wherever they will be.

23 The Industry's approach to considering  
24 more specific road locations when it comes to  
25 traversing values, we would characterize as a limited



1 planning requirement in the sense that it's -- it only  
2 kicks in if someone has a concern about a road location  
3 crossing a value, and the planning requirement would  
4 come into play late in the planning process, basically  
5 after a draft decision has been made on road locations  
6 and presented in a draft plan that's presented to the  
7 public for a review.

8 The approach, the planning approach of  
9 the Industry would then be that the person who had  
10 raised the concern, that road location crossing the  
11 value would enter into the enhanced planning process  
12 and then they would look at alternative locations for  
13 addressing the concern.

14 MADAM CHAIR: Excuse me, Mr. Bisschop,  
15 you're talking about what the trigger would be for the  
16 enhanced planning process. There are a couple of  
17 different triggers for that as we understand it from  
18 OFIA's terms and conditions, and I think some of that  
19 hinges on what they define to be a recognized value as  
20 opposed to an area of concern.

21 MR. BISSCHOP: My understanding is, and  
22 I'm not sure that the Industry has yet accepted the  
23 terminology area of concern, but my understanding is  
24 that a value only gets elevated to what we would call  
25 an "area of concern" if someone has a concern about the

1 operations that are proposed for that area.

2 In other words, they would have to be  
3 presented with some draft decision on what's going to  
4 go on in that area and then they'd have the opportunity  
5 to react to it and an enhanced planning requirement  
6 would kick in.

7 That's my understanding of it.

8 MADAM CHAIR: That's one of the triggers  
9 to enhanced planning, but there's also a proposal in  
10 OFIA's Ts and Cs that a reserve can be put in place  
11 without going through the enhanced planning process,  
12 which, yes, is a short cut and streamlines it to --  
13 without going through all kinds of analysis, but it  
14 seems to be one way of saying: We're not going to get  
15 very far here on doing a lot of analysis and this is an  
16 area that's going to end up being a reserve anyway, so  
17 why don't we do that?

18 MR. BISSCHOP: I understand that as well,  
19 Madam Chair. I was simply trying to characterize when  
20 it comes to the subject of a road planning relative to  
21 a value and some values will have to be crossed by  
22 roads, there's no question about that. Sometimes you  
23 will have to traverse a, an area of concern with a  
24 road. And in terms of how the enhanced planning  
25 process kicks in for road planning, the way I'd

1 characterize it is that that would only happen after  
2 there has been a sort of a draft decision on where the  
3 road will cross the area of concern, presented publicly  
4 and the public has the opportunity to react.

5 I recognize that there are other ways in  
6 which decisions get made through their planning process  
7 and then the enhanced planning process can kick in for  
8 other prescriptions as well, yes.

9 MR. MARTEL: Would not the overall  
10 process of involving the public from square one earlier  
11 trigger any consideration of that? At least the  
12 Industry would be aware that there was a concern by  
13 someone probably from the planning -- or the citizens  
14 group.

15 I'm not sure it would take this long for  
16 this thing to at least become focused at a draft plan  
17 stage, because if you're going to involve the public  
18 right from the beginning, surely that becomes a  
19 consideration long before the stage you described as  
20 the stage where it -- at least the first intention  
21 being drawn to it would be much earlier, would it not?  
22 Or should be, if you are watching how this plan is  
23 going to be developed.

24 MR. BISSCHOP: I'd agree and I would  
25 suggest that in that, in that context, our -- MNR's



1 approach and the Industry's approach are not all that  
2 different.

3 What we would require, however, is we  
4 would require that explicitly alternative locations be  
5 identified with the opportunity for the public to  
6 contribute to the decision as to which location would  
7 be selected.

8 MR. FREIDIN: Q. Mr. Bisschop, perhaps  
9 putting the issue more squarely, if you have a road  
10 which is going to traverse an area of concern and the  
11 public doesn't raise any concern, why does the Ministry  
12 still believe that it is important to, in fact,  
13 identify alternative locations for that road crossing  
14 the AOC?

15 MR. BISSCHOP: A. I think it's simply a  
16 matter of good planning. Reasons, decisions as to  
17 why - in the case of a road location - why one would  
18 locate the road where one has with reasoned  
19 consideration of what options are available to you.

20 Q. Can you provide us with an example?

21 A. For example, there may be a -- there  
22 may be a stream traversed by a secondary road, the  
23 corridor traverses the stream, a portion of the stream  
24 may be an area of rapids and the remaining portion of  
25 the stream may be a, a -- a stream where the water is



1 flowing more, more smoothly. The actual decision as to  
2 where the road ought to cross that stream, rapids with  
3 spawnny areas versus somewhere downstream or upstream,  
4 is something where we would want to, to see  
5 consideration of the best location to prevent,  
6 minimize, or mitigate whatever effects may occur.

7 Q. And are the optional areas that you  
8 are -- you were referring to in that example all within  
9 the same corridor?

10 A. Correct.

11 So just to sum up on that, we, we see the  
12 need for a routine requirement to consider alternative  
13 locations when you're dealing with values and to make  
14 reasoned decisions that can be reviewed by professional  
15 planners that can be reviewed and contributed to by the  
16 general public during road planning.

17 Finally, on the subject of the Industry's  
18 road planning requirements, the analysis requirements  
19 that the Industry proposes are identical when you're  
20 considering corridors to -- when you're considering  
21 traversing a value.

22 In other words, the analysis requirements  
23 for a general corridor scale planning and the analysis  
24 requirements for dealing with a very site specific  
25 location are identical. Our view is those broad kinds

1 of analysis requirements are not appropriate when  
2 you're dealing with specific values, rather when you're  
3 dealing with specific location of roads where specific  
4 values are encountered, you should be looking at  
5 specific effects, specific measures that you can use to  
6 mitigate those effects.

7 So it's a matter of as more refined  
8 analysis requirement that we believe is necessary when  
9 you're dealing with road locational planning of values  
10 you can encounter.

11 MADAM CHAIR: Excuse me, Mr. Bisschop.

12 Mr. Bisschop, with respect to what the  
13 Board takes from OFIA's terms and conditions, there are  
14 some attempt on their part to, to make the amount of  
15 documentation as small as possible. For example, they  
16 have an emphasis on mapping information to the fullest  
17 extent possible, rather than recording information.

18 Has MNR responded to that suggestion from  
19 the Industry?

20 MR. BISSCHOP: The, the road locational  
21 decision would have to be recorded on a map in the  
22 sense of illustrating where the, where the road will  
23 traverse a value or where the corridors will, will be  
24 located.

25 We require written documentation of the

1 reasons behind deciding those locations. What we have  
2 done in terms of the subject of the subject of tertiary  
3 roads where we don't deal with locational planning but  
4 what I -- I and MNR refer to as "conditional planning",  
5 we have provided in term and condition 44, for those  
6 conditions to be documented on the map itself, if  
7 that's possible.

8 So in that sense we, we've -- we've  
9 attempted to accommodate the opportunity to document on  
10 maps as much as possible, but we have retained written  
11 documentation for reasons behind decisions.

12 Turning to the approaches of the approach  
13 of the Ontario Federation of Anglers and Hunters.  
14 Again, with that party we are dealing with the terms  
15 and conditions that we received in 1990 and they are  
16 terms and conditions 24 to 31. We have a number of  
17 concerns about the approach that OFAH advocates.

18 First of all, the, the subject that they  
19 refer to as the "ultimate access planning  
20 requirements." In other words, full access for the  
21 entire forest management unit which they, they define  
22 in terms of, of full act, this being for the rotation  
23 of forest. We see that as a unreasonable requirement  
24 given the uncertainty of, of a sixty- to a hundred-year  
25 time frame.



1 Current planning requirements are  
2 substantial as it is when we're dealing with five- and  
3 twenty-year time frames and we believe that that's a  
4 reasonable kind of planning horizon to address.

5 They also require that each road must  
6 provide the optimum mix of benefits. Essentially that  
7 all resources and all resource management decisions  
8 relative to roads are to be made in a timber management  
9 plan dealing with, in effect, management purposes for  
10 all resources. We see that requirement as, as beyond  
11 timber management and gets us into the, the whole realm  
12 of, of a total natural resource management, and we  
13 would approach the, the entire question differently by  
14 the plan -- the approach we would take to planning is  
15 to make sure that we were recognizing other values and  
16 we address consideration of those values in our  
17 locational planning by attempting to prevent, minimize  
18 or mitigating effects on those values.

19 OFAH also advocates that there be a  
20 minimum number of alternatives considered and they've  
21 said at least two. We have said that in, in all cases  
22 alternatives must be considered. We don't believe it's  
23 appropriate to set a minimum or indeed a maximum number  
24 of alternatives, rather it should be a case by case  
25 determination using a number of defining factors that



1 we've outlined in our term and condition 25(b). So  
2 when it comes to the, the number of reasonable  
3 alternatives to consider, there should be a number of  
4 factors considered and then in each individual case you  
5 ought to identify the number of alternatives that is  
6 appropriate.

7                   They also have additional analysis  
8 requirements and the, the main example that I've  
9 selected is the requirement to produce information on  
10 the net socioeconomic benefits of each road, in fact,  
11 each alternative road corridor for that matter, and  
12 that has to be addressed at the local -- the expression  
13 of those benefits has to be addressed for the local  
14 level, for the regional level and the provincial level  
15 for the next five years and the next twenty years for  
16 each alternative road corridor that one examines when  
17 one is looking for a location for a specific road.

18                   We see the requirement as -- we see first  
19 of all the requirement for socioeconomic analysis as a  
20 routine requirement to road planning as unnecessary,  
21 and we see the full realm of what is expected through  
22 the, the various parameters that OFAH has outlined as  
23 impossible to deliver. We don't know how one would for  
24 every single road in a timber management plan look at  
25 the subject of regional and provincial socioeconomic

1 benefits, not only for every road that's put forward,  
2 but for every alternative road corridor that might be  
3 considered.

4 MADAM CHAIR: Excuse me, Mr. Bisschop.

5 When the Board listened to OFAH's  
6 evidence one theme came through and that was that  
7 they're urging that road planning be done as far into  
8 the future as it can be.

9 We've also heard from many individuals,  
10 particularly at our satellite hearings, who keep asking  
11 the Board why they -- that a road location, perhaps,  
12 is -- the question of it is settled in one five-year  
13 plan and then it's revisited in the next five-year plan  
14 and it's revisited in the next five-year plan, and the  
15 public has had a difficult time understanding why, when  
16 an issue has been decided in one five-year term, it  
17 comes back.

18 Has MNR given any thought to how it  
19 educates the public with respect to the twenty-year  
20 planning process? And I think we've used in this  
21 hearing the phrase that the "die is cast" with respect  
22 to road planning, when you look at the twenty-year  
23 horizon you can see in very, very broad, vague outlines  
24 where roads are probably going to, to be with respect  
25 to the primary road corridors. But to the Board's way

1 of thinking that's not understood very well by the  
2 public and they seem to be surprised every time they  
3 look at a five-year plan and see what they think is a  
4 new road being proposed or something that had been  
5 decided differently in previous plans.

6 MR. BISSCHOP: As, as you're aware, Madam  
7 Chair, we have primary road planning requirements for  
8 the twenty-year horizon; and secondary, a five-year  
9 horizon. We basically require sort of -- on a regular  
10 five-year basis we simply review the decisions that  
11 have been made previously on the primary roads and if  
12 there is a need to change, one would change. For  
13 example, if there's been a fire that has essentially  
14 caused one to conclude that you ought not now build the  
15 road in the direction you previously intended, you  
16 ought to go elsewhere, you ought to have the  
17 flexibility to make that change.

18 We think that twenty years is reasonable  
19 for primary; it's reasonable to address the concerns,  
20 for example, of the tourism industry that has major  
21 concerns about where is the principle access expected  
22 to go for the next foreseeable future, we think twenty  
23 years is reasonable.

24 For secondary roads where we're dealing  
25 with short-term roads, most of the roads that are



1 advanced in a timber management plan respect to  
2 secondary roads will be built during that term of the  
3 plan, some of them may be extended further when it  
4 comes to the next timber management plan, as operations  
5 progressively move on.

6 Those, those roads really -- the question  
7 of whether those roads ought to proceed isn't really  
8 revisited as much as extensions to the roads are  
9 proposed, I guess is how I would characterize that.

10 MR. KENNEDY: Madam Chair, in addition to  
11 the comments that Mr. Bisschop makes, if you're asking  
12 specifically has MNR given thought to how they will  
13 communicate that information to the public so that they  
14 can be more actively involved in planning, we have  
15 talked about that general subject area along with  
16 others and we reflected that in our term and condition  
17 No. 76 where we were looking at preparing a brochure on  
18 timber management planning.

19 We recognized that our current brochure  
20 which is entitled: How to Get Involved in Timber  
21 Management Planning has been successful in getting  
22 people out to our open houses and making them aware  
23 that it's going on. Where it has fallen short, though,  
24 in some people's eyes is the explaining of process in a  
25 general manner so that a greater number of lay people



1 can have an understanding of some of the general  
2 science behind why we have the process crafted the way  
3 it is.

4 In our term and conditions we have  
5 outlined that we do hope to do a better job in  
6 explaining the process to people and explain to them at  
7 what point to become involved in the process, and I see  
8 now they're -- also provide an explanation of bump-up  
9 revisions, so it is our intent to make improvements in  
10 those areas.

11 ---Discussion off the record.

12 MR. BISSCHOP: The final party to propose  
13 additional terms and conditions related to work  
14 planning is the Ministry of the Environment and the  
15 specific term and -- terms and conditions that we're  
16 dealing with there are 40(b) and 43(d).

17 The major concern we have is the, the  
18 proposal of MOE that a separate alternative corridor  
19 must be considered which has unrestricted public  
20 access.

21 Assuming that the provision that the --  
22 that the alternative corridors that must be considered  
23 have to be reasonable and practical exist, we still  
24 think that this it is a unnecessary additional  
25 requirement and we would, we would propose that rather

1 the alternative way to deal with that kind of concern  
2 is not by identifying alternative corridors, but by  
3 addressing the subject matter of public access versus  
4 no public access through the development of the use  
5 management strategy.

6 The term and condition of the Ministry of  
7 Environment is worded now that, that it would be a  
8 requirement that a alternative corridor must be  
9 identified.

10 On the next two pages I've tried to, to  
11 summarize the concerns of MNR and MNR's responses  
12 dealing with subject areas, rather than with individual  
13 parties, and I'll just briefly go through those  
14 subjects again --

15 MADAM CHAIR: Mr. Bisschop, sorry.

16 Just before you leave the Ministry of the  
17 Environment's term and condition, when we're looking at  
18 restricted public access on roads, often we're looking  
19 at lakes where there are restrictions because of, of  
20 the tourist industry.

21 Whether you're looking at an idea for a  
22 separate alternative corridor or use management  
23 planning, what's MNR's view about the possibility that  
24 there's going to be public access to lakes that are  
25 protected, for example, tourism?

1 MR. BISSCHOP: I'm not, I'm not sure I  
2 understand what you mean that there's going to be  
3 public access. A use management strategy would be  
4 developed that would -- the purpose of it would be to  
5 restrict public access.

6 Are you saying there will, there will be  
7 inadvertently public access anyway?

8 MADAM CHAIR: No, I'm saying the Board  
9 has had difficulty understanding how you could have  
10 unrestricted public access by way of a separate  
11 alternative corridor as suggested by the Ministry of  
12 the Environment.

13 Do you see any way that you could have  
14 unrestricted public access to lakes, for example, that  
15 were protected for purposes of remote tourism?

16 MR. BISSCHOP: I think that that's  
17 exactly the point, Madam Chair. That of course, in  
18 certain situations there will be requirements to  
19 completely restrict public access, and on the  
20 understanding that if you're looking at alternatives,  
21 they'd have to be reasonable and practical, in other  
22 words, one wouldn't be expected to go miles and miles  
23 out of your way just to, to identify a location that  
24 might not require restrictions.

25 We, we believe that there, there are

1 situations where you will not be able to achieve the  
2 goal of no restrictions on public access in roads going  
3 in certain areas.

4 MADAM CHAIR: Thanks, Mr. Bisschop.

5 Mr. Freidin, could you help the Board?  
6 Do you recall at some point we wanted to see a map or  
7 know the number of lakes for which access was  
8 restricted because of remote tourism? And I think we  
9 asked the Coalition or we brought -- we asked the  
10 Coalition at some point and I think it was during the  
11 last part of their case, can they get us a map because  
12 we want to see how many lakes are restricted with  
13 respect to public access to protect their industry.  
14 And were any of the lawyers here involved in that, in  
15 that exercise or can anyone tell the Board what  
16 happened to that?

17 MR. FREIDIN: I think the way, if my  
18 recollection serves me correctly, is that the  
19 Industry -- pardon me, the Coalition heard the request  
20 of the Board and indicated that they would make their  
21 best efforts to provide it. I don't believe a map of  
22 that nature has been provided.

23 I know they were also asked to provide a  
24 list of operators whose operations they believe had  
25 been adversely affected by timber management



1 operations, including roads, and they made an attempt  
2 to do that, and there is an exhibit in that regard.  
3 And that's the best that I can do at the moment.

4 I can check the exhibit list and, you  
5 know, provide you with further information if, if the  
6 review provides any further information, but I don't --  
7 that's my best recollection at the present time.

8 MADAM CHAIR: Thank you. I think that's  
9 a matter for Mr. Beram to track down, then. Thank you.

10 MR. BISSCHOP: So very briefly, Madam  
11 Chair, at pages 5 and 6 summer up -- summarize MNR's  
12 response to the concerns that I've identified by  
13 category or subject area rather than party.

14 On the subject of roadless areas, again,  
15 we see that as a land use planning matter, not  
16 something that ought to be addressed in timber  
17 management planing.

18 On the subject of each road to provide an  
19 optimum mix of benefits, we would suggest that's beyond  
20 the scope of timber management planning and rather the  
21 approach that MNR would take to address essentially the  
22 same subject is to address other uses and values in  
23 locational planning by attempting to prevent, minimize  
24 and mitigate adverse effects on other resources and  
25 uses.

1                   We see the ultimate access planning  
2                   requirement as dealing with an unreasonable planning  
3                   horizon, given the uncertainty involved in projecting  
4                   sixty to a hundred years in the future.

5                   On the subject of corridor alternatives,  
6                   I've identified four subjects. First of all, for  
7                   primary and secondary roads we take the position that  
8                   it's necessary to have corridors considered for both  
9                   primary and secondary roads. I've identified the terms  
10                  and conditions that apply.

11                  On the subject of number of corridors to  
12                  consider, we believe there should be no minimum or  
13                  maximum number, rather a case-by-case determination  
14                  using specific factors as outlined in term and  
15                  condition 25(b).

16                  Also we believe it's necessary to require  
17                  separate -- consideration of a separate alternative  
18                  corridor with unrestricted public access; rather, deal  
19                  with the it through use management and accept that  
20                  there will be some roads on which there will be  
21                  restrictions to public access.

22                  On the subject of analysis requirements,  
23                  we believe the corridor level planning requirements,  
24                  the analysis requirements for corridor level planning,  
25                  should be practical, that the consideration of specific

1 mitigation measures is not appropriate at a corridor  
2 level, but is something that you consider when you're  
3 dealing with individual values. When we're dealing  
4 with the specific locational planning in areas of  
5 concern, and also you can address that subject through  
6 the development of use management strategy. And we  
7 believe that there's no need for routine detailed cost  
8 benefit or socioeconomic analyses; instead, MNR's  
9 approach would be to provide information on costs as a  
10 factor to be considered in the evaluation and  
11 comparison of alternatives, and in certain instances  
12 there may be a requirement to produce additional  
13 economic information for decision-making purposes.

14           On the subject of null, again, we'll deal  
15 with it in Panel 4, but we see it as an unnecessary an  
16 inappropriate requirement in timber management  
17 planning. MNR's response to that, Madam Chair, is that  
18 we would require, however, through terms and conditions  
19 25(a) and 39(a) that the reasons that a primary or  
20 secondary road is required should be documented.

21           And, finally, on the subject of road  
22 locations in areas of concern we believe it's necessary  
23 to consider alternatives in all cases. The location  
24 should be relatively specific. One of the items that I  
25 forgot to mention in, in terms of the Industry's



1 position is that their requirement, even when it comes  
2 to identifying a location for a value, would be a  
3 corridor of 500 metres in width. We believe it should  
4 be more specific and we have suggested 100 metres.

5 And, finally, the analysis at the level  
6 of dealing with specific values should be more  
7 detailed. We should be looking at specific effects  
8 that are, are going to be encountered and the measures  
9 that we can use to mitigate those effects.

10 MADAM CHAIR: Mr. Bisschop, just so the  
11 Board understands clearly, with respect to the primary  
12 and secondary analyses of alternatives, the OFIA has  
13 said to the Board that they don't believe it's  
14 necessary to spend a lot of time analyzing secondary  
15 road alternatives because those roads will be located  
16 in areas that have already been approved for timber  
17 management operations and that the primary road  
18 corridors themselves have received some analytic  
19 attention.

20 MNR's response to that is, for reasons of  
21 good planning, we believe this has to be done. That's  
22 your response.

23 MR. BISSCHOP: There will, there will be  
24 values effected by secondary roads and we believe that  
25 for good planning reasons and for reasons of satisfying

1 public concerns, that one should be able to demonstrate  
2 how you made the decision to locate that secondary road  
3 where you did, and that ought to involve considering  
4 alternatives and being able to rationalize the decision  
5 that has been made.

6 MR. FREIDIN: Q. Mr. Bisschop, in volume  
7 386 on page 66580, Mr. Lindgren in cross-examining Mr.  
8 Kennedy indicated that it was his client's view that  
9 MNR road planning was not an EA type analysis, but  
10 rather it was to be characterized as impact analysis.

11 Could you comment on that suggestion?

12 MR. BISSCHOP: A. First of all, Madam  
13 Chair, my reading of the transcript is that Mr.  
14 Lindgren has characterized our planning of roads in  
15 that manner simply because there has been no  
16 consideration of the null alternative, and for some  
17 reason, not considering null means that you haven't  
18 done an environmental analysis.

19 I would characterize environmental impact  
20 analysis in the way it's traditionally been used as one  
21 simply identifies the impacts for the proposal, in this  
22 case a road, that one would put forward. I would  
23 characterize environmental planning as the requirement  
24 to consider alternatives, to evaluate those  
25 alternatives, to make a reasoned decision as to which

1 alternative is the best, the preferable, and, in that  
2 regard, I would argue that our approach to road  
3 planning is a reasonable and appropriate environmental  
4 planning approach. It's not simply an environmental  
5 impact assessment approach.

6 We require the consideration of  
7 alternatives, we have reasonable time frames - twenty  
8 years for primary roads, five years for secondary - we  
9 require evaluation of alternatives and documentation of  
10 reasons behind decisions. We have appropriate  
11 information requirements for the appropriate level of  
12 planning, different for corridor level than for site  
13 specific locational planning. There's an appropriate  
14 level of analysis done at those two levels, again, it  
15 would be different at the corridor level than it is at  
16 the site specific level. There are a number of  
17 opportunities for public consultation in road planning,  
18 and that's part of our approach about presenting  
19 alternatives for the public to be able to react to and  
20 comment on and contribute decisions about, and there  
21 are considerable documentation requirements -  
22 everything from requirement documentation of the  
23 reasons for the roads, documentation of the analysis,  
24 documentation of the reasons for the choice of the  
25 preferred road location, documentation of the use



1 management strategy.

2 In summary, Madam Chair, I guess I would  
3 characterize MNR as being, again, in the middle of  
4 decisions advocated by different parties.

5 The Industry has advocated from, from  
6 their perspective that there should be less  
7 requirements for road planning, that timber management  
8 being permitted use, one ought to be able to within the  
9 realm of acceptable environmental practices locate  
10 roads in areas where timber management is permitted  
11 with, with less than MNR has required as planning  
12 requirements.

13 Other parties, in particular FFT and  
14 OFAH, are advocating that there be considerably more  
15 requirements, particularly in terms of the analysis  
16 requirements that ought to be employed. So we see  
17 ourselves again as being responsibly some -- advocating  
18 a approach that's somewhere between those two  
19 positions, and in that sense we also see it as being a  
20 reasonable, appropriate and responsible environmental  
21 planning approach to road locational planning.

22 MR. FREIDIN: Madam Chair, I'm not too  
23 sure what your timing is for break, but this might be  
24 an appropriate time and would you indicate how late we  
25 are sitting today?

1 ---Discussion off the record.

2 MADAM CHAIR: We'll sit till four o'clock  
3 today, Mr. Freidin.

4 Let's take our break now and we will be  
5 back at three. Thank you.

6 ---On recessing at 2:44 p.m.

7 ---On resuming at 3:09 p.m.

8 MADAM CHAIR: Mr. Freidin.

9 MR. FREIDIN: Q. Mr. Bisschop, just a  
10 few questions before you move on to the second area of  
11 optional areas of operations.

12 I want to make sure that it's perfectly  
13 clear what you mean by an EA-type of analysis. Will  
14 you just very quickly describe that for me?

15 MR. BISSCHOP: A. By, by Environmental  
16 Assessment-type analysis, Madam Chair, I would mean a  
17 consideration of alternatives and evaluation and  
18 comparison of those alternatives resulting in a  
19 selection of a preference with reasons for that  
20 decision and all of that information being documented.

21 Q. Mr. Bisschop, for good environmental  
22 planning, do you have to have an EA-type analysis for  
23 every decision?

24 A. Madam Chair, I may have given the  
25 impression that my view of good environmental planning

1 requires always considering alternatives and going  
2 through, through all of the analysis and documenting  
3 the reasons for your decisions. That, that's not the,  
4 the view I have, that's not the impression I want to  
5 leave with you.

6 I think the approach to good planning is  
7 going to depend on the undertaking you're dealing with,  
8 it's going to depend on the values that you have to  
9 deal with and it's going to depend on the risk or harm  
10 to those values. So whether it's timber management or  
11 any other undertaking, good environmental planning not  
12 necessarily would require that you have to consider  
13 alternatives for all of your activities.

14 In the case of timber management we have  
15 focused on those activities and those areas with values  
16 where we believe environmental planning, environmental  
17 analysis kinds of requirements ought to be addressed,  
18 and we've zeroed in on roads and operations in areas  
19 where there are values.

20 And for operations in areas where there  
21 are values, we're dealing with all of the activities.  
22 We have specific planning requirements for access and  
23 similarly for all of the other activities of harvesting  
24 or maintenance.

25 The requirement to carry out that kind of



1 environmental analysis and the level of detail to which  
2 you carry out that analysis, we, we have provided for  
3 some flexibility in how you approach that.

4 For example, with corridor planning of  
5 roads, we would have a level of analysis that, that's  
6 appropriate to that kind of decision. Selection of one  
7 directional corridor over another. When it comes to  
8 detailed road locational planning or prescription  
9 planning in area -- in an area where there's a value,  
10 we would have a level of analysis that is more  
11 detailed. And in the way we've characterized it,  
12 that's where you would deal with the subject of  
13 specific effects and specific measures that you might  
14 be able to use to prevent, minimize or mitigate effect.

15 Q. Thank you, Mr. Bisschop. If those  
16 are your comments, then perhaps you can move on to the  
17 area of optional areas of operations.

18 A. The second subject I'm going to deal  
19 with is -- was introduced to the Board in our Reply  
20 Panel 1, again by Mr. Kennedy, and he briefly touched  
21 on it in the context of public consultation and what  
22 information would be made available at particular  
23 stages of the consultation.

24 At the time he said we would be leaving  
25 discussion of our detailed concerns about the proposal

1 of the Ministry of the Environment until Panel 5 and  
2 we're now going to deal with that.

3 So in the first overhead which is page 7  
4 of the Exhibit 2299, I have again summarized where you  
5 would look to find the explanation of the Ministry of  
6 the Environment proposal which would characterize as a  
7 consideration of options for allocation for harvest  
8 operations.

9 I've identified the location in the  
10 witness statement where, where that discussion can be  
11 found, the terms and conditions in appendix 4, and I've  
12 referenced transcript volume 374 where during the cross  
13 of Ms. Dahl by Mr. Cassidy of OFIA there was a  
14 clarification in the, the real activity of interest to  
15 the Ministry of the Environment was harvest and that  
16 the requirement was meant to look at options for  
17 allocation for harvest operations.

18 MNR has serious concerns about the  
19 Ministry's proposal, and we would capture, I guess,  
20 most generally in, in the comment I've made under MNR's  
21 concerns that this requirement is not simply a mapping  
22 exercise with minimal analysis and documentation  
23 requirements. There would be much more to it than the  
24 Ministry of the Environment's proposal would at first  
25 glance suggest.

1                   We've discussed some of our concerns in  
2   MNR Reply Panel 1 and Exhibit 2255, where Mr. Kennedy  
3   spoke to public consultation. And you may recall that  
4   on one of the overheads of Exhibit 2255, Mr. Kennedy  
5   presented information about our view that there would  
6   be a requirement for an additional stage in public  
7   consultation some time before the stage 2 information  
8   centre that we currently have proposed in our terms and  
9   conditions.

10                  I draw your attention also to the  
11   Ministry of Environment Interrogatory No. 3 for MNR  
12   Reply Panel 1, that's in Exhibit 2254B, and I think in  
13   that interrogatory response of MNR you'll see most of  
14   what I'm going to say today on this subject captured in  
15   that response.

16                  In Panel 5, we discussed this, this  
17   subject again in more detail on pages 3 to 7, and our  
18   response to MOE Interrogatory No. 2 for Panel 5 - and I  
19   can't recall the exhibit number for those  
20   interrogatories filed today - but we also deal with the  
21   subject of, in effect, this business of optional areas  
22   of operations being really a harvest scheduling  
23   decision and that's, in effect, the nature of the kinds  
24   of decision-making that would result out of looking at  
25   optional areas.



1 MR. FREIDIN: Madam Chair, if I could  
2 interject for a moment. I'm not too sure that we filed  
3 this an exhibit, the interrogatory responses to the  
4 Ministry of the Environment. In fact, I have them  
5 right here. So before we go any further, I'd like to  
6 deal with that matter and file the letter of June the  
7 15th, 1992, from myself to Ms. Seaborn which contains  
8 the MNR response to MOE's Interrogatories regarding  
9 MNR's Reply Panel No. 5.

10 MADAM CHAIR: That will be Exhibit No.  
11 2300.

12 ---EXHIBIT NO. 2300: Letter dated June 15, 1992, from  
13 V. Freidin to Ms. Seaborn  
14 containing the MNR response to  
MOE's Interrogatories regarding  
MNR's Reply Panel No. 5.

15 MR. BISSCHOP: Madam Chair, in Reply  
16 Panel 1, Mr. Kennedy briefly summarized how we go from  
17 the entire geography of a management unit to the  
18 geography of which operations are going to occur during  
19 a five-year term of the timber management plan.

20 He explained how we have eligibility  
21 criteria, we develop an eligibility map for the twenty  
22 years; we then have selection criteria and we identify  
23 the areas selected for operations for the five years;  
24 and as part of our mapping requirements, we produce a  
25 summary map at various stages of public consultation in

1 various draft forms that generalizes that area selected  
2 for operations map. And it's a, it's a map that is  
3 available for hand out to the public so that it would  
4 be an index for them to identify the geography in which  
5 operations are going to occur during the five years and  
6 it would allow people to determine for themselves  
7 whether they had interest in pursuing the activities in  
8 timber management planning further.

9 We had hoped to use the exhibit filed by  
10 the Ministry of the Environment in their evidence on  
11 the summary map for the Bright Sands Forest, but that  
12 map appears to have been misplaced. We went to your  
13 offices to locate the maps and we couldn't find that  
14 one. So we've had to use a new summary map for another  
15 management unit to try to elaborate on our comments  
16 today.

17 This is the same -- this is the same kind  
18 of product that we, we produced on a trial basis in, in  
19 a number of management units a year ago to produce what  
20 at that time was called an "operations map" but is  
21 really -- we now call "summary map" for the purposes of  
22 communication. It's the map for the big pic company  
23 management unit. The Town of Marathon is in the bottom  
24 corner of that map and this map in -- we coloured in  
25 red, those areas, the generalized areas in which

1 harvest operations are going to occur in the five-year  
2 plan of that timber management plan.

3 If you look closely at the map, there are  
4 other areas that are identified that are selected for  
5 renewal and maintenance operations that we haven't  
6 coloured. Those are the areas where -- that would have  
7 been harvested previously or which have been identified  
8 as require -- requiring renewal and maintenance  
9 operations.

10 The -- what I want you to gain is an  
11 impression of the sort of size and dispersal of the  
12 geographic areas, the operating blocks in which  
13 operations are going to occur on that management unit  
14 for five years. They're distributed across the  
15 management unit. This is, this is quite difficult of  
16 many management units, and I think in the example of  
17 the Bright Sands Forest that you saw in the MOE  
18 evidence, the blocks were more concentrated. In this  
19 case they're pretty much more dispersed.

20 MOE's proposal would require that there  
21 be consideration of operate -- of options for the areas  
22 selected for harvest operations, so there would be a  
23 requirement to consider options for those areas that  
24 are coloured in red, which they've characterized as a  
25 fairly simple exercise of simply mapping using the



1 selecting criteria, because the -- 'cause all of the  
2 operation would still have to meet the selection  
3 criteria. But mapping them in a generalized way on a  
4 summary map such as this and carrying out a fairly  
5 general level of analysis with minimal documentation  
6 requirements.

7 But we have a number of concerns about  
8 that proposal in relation to basically what, what would  
9 be expected. Basically we would ask the question, for  
10 each of those areas identified in red on that map,  
11 would MOE's proposal require us to look at options for  
12 each one of those red areas? Would -- if so, how many  
13 options would you have to look at for each one?

14 If you don't have to look at options for  
15 each of those red areas, how many optional areas would  
16 you have to look at? Would three additional areas be  
17 adequate? Would thirty be adequate? Would all areas  
18 that are, that are -- that meet the selection criteria  
19 for the management units be required? Would various  
20 permutations and combinations be required?

21 So there are questions about exactly how  
22 is the requirement defined.

23 So in our -- on page 8 of the overheads  
24 we basically identified our main concern as the  
25 requirement is, it lacks definition and to us it's an

1 incomplete proposal. We don't know what would be  
2 expected.

3                   Regardless of, of how many areas one  
4 would have to identify, the subject then becomes -- the  
5 next concern then becomes: What analysis is required?  
6 MOE's suggestion, their evidence was that the analysis  
7 is basically a, a fairly simple general analysis with  
8 relatively minimal documentation, and the example that  
9 they used in their, their statement of evidence  
10 arguably could be a, an analysis for optional areas for  
11 one of those red areas, or perhaps it could be an  
12 analysis for some permutations and combinations of  
13 those red areas.

14                   We believe that the analysis requirements  
15 that the MOE has suggested would be unsatisfactory for  
16 the purposes of effective planning for good public  
17 involvement in decision making on options for harvest  
18 operations and the public would expect a lot more. In  
19 fact, we believe that it would be -- have to be some  
20 level of road planning and values planning that would  
21 have to be addressed so that one could make reasonable  
22 decisions on which operate -- which operating areas to  
23 select and that people would be able to contribute to  
24 decision making amongst those optional areas.

25                   So adequate information would have to be

1 presented to satisfy good planning, proper planning  
2 concerns, as well as public consultation concerns, and,  
3 in fact, the public would probably demand it.

4 Now, we have -- MNR has its own planning  
5 proposals in relation to roads and areas of concern and  
6 we would expect at least some level of that planning  
7 would then have to apply to those optional areas.

8 Many of the other parties have suggested  
9 additional planning requirements in relation to road  
10 and area of concern planning, and presumably if those  
11 planning requirements are accepted, they would apply as  
12 well.

13 For example, FFT and OFAH have suggested  
14 additional road planning analysis requirements, and the  
15 Ministry of the Environment, for example, have  
16 suggested that other values in addition to the values  
17 that we have on our values map list would require area  
18 of concern planning, for example, their protection  
19 forest -- protection for reduction forest reserve  
20 requirement.

21 We think that the kind of analysis that  
22 MOE has suggested would not be sufficient to enable us  
23 to rationalize choices amongst optional areas, so some  
24 additional detailed planning would be required. All  
25 this would mean substantial additional planning effort,



1 planning time and documentation requirements.

2 In the evidence of the Ministry of the  
3 Environment, I believe it was Mr. Bax who suggested  
4 that the requirement to look at these optional areas is  
5 something that could be accommodated in about a half a  
6 day's work of effort. We think that that is, is  
7 grossly inadequately expressed, that there would be  
8 considerable planning effort required to provide the  
9 level of information that would be needed to make  
10 reasonable decisions.

11 We've, we've also said that we think that  
12 an additional public consultation stage would be  
13 required just to deal with the selection of whatever  
14 the preferred areas would be from amongst those  
15 optional areas and that would involve additional time.

16 The, the basic reason behind the  
17 requirement of the Ministry of Environment's suggestion  
18 is to facilitate public involvement and decision making  
19 on where operations are going to occur. They see that  
20 as something that's lacking.

21 We think that their criticism does not  
22 sufficiently recognize the role of the LCC and local  
23 citizens committee in planning as a, if you will,  
24 representative of public interest in this particular  
25 dimension of timber management planning; and that in

1 combination with, with the LCC involvement in, in -- as  
2 a regular, ongoing activity in, in the preparation of  
3 the timber management plan, and the various  
4 opportunities for public consultation at the four  
5 stages, that there is -- there is adequate and  
6 considerable opportunity for the, for the public to  
7 contribute to identifying what the selection criteria  
8 are, to reviewing and refining the areas that are  
9 selected for operations, and, in the end, eventually,  
10 basically having a contribution to make in decisions on  
11 where operations are going to occur.

12 The thrust of the, of the approach as  
13 expressed by Ms. Dahl was that, that bump-up requests  
14 have been coming in because of, of the inability of  
15 people to contribute to decisions on where operations  
16 are going to occur and that this proposal would reduce  
17 conflict. But we think just as it might reduce  
18 conflict, it could equally also contribute to increased  
19 conflicts. For example, you may, by putting forward  
20 optional areas for operations incur conflicts in each  
21 of the, the optional areas that you advanced and you  
22 had -- you have to make some decisions between the  
23 various parties affected in your decision making and  
24 where operations are going to occur.

25 So it's -- just as there is an

1 opportunity to reduce conflicts, there's also the  
2 potential that you're going to increase conflicts. And  
3 in the end, the, the decision on where operations is  
4 going to occur is really one of scheduling the  
5 operations. If timber management is a permitted  
6 activity, the -- at some point, operations are going to  
7 occur. If you're looking at options during timber  
8 management planning of, of -- of locating operations in  
9 one area versus another and you make a decision to go  
10 in one location versus another, you're essentially just  
11 deferring the decision somewhere else. So we, we have  
12 a real concern that you may in the end, end up  
13 misleading the public that you're not going to be  
14 carrying out operations in an area if you, if you look  
15 at this, this question of optional areas to go.

16 Also I think I'd take you back, Madam  
17 Chair, to your comment earlier on the subject of road  
18 planning where you expressed the concern that we seem  
19 to be continually revisiting the same questions and  
20 people get concerned about that when they're facing the  
21 same kinds of planning decisions plan after plan, I  
22 think there's increased potential that that could occur  
23 as well when we continually would revisit areas that we  
24 made decisions to essentially defer operations through  
25 this approach.



1                   And what we also in their discussion, in  
2                   their direct evidence, dealt with the requirement for  
3                   null, and you'll recall, Madam Chair, that there's  
4                   considerable discussion on whether or not that was a  
5                   requirement or whether or not that was sort of a good  
6                   thing to do in the analysis of optional areas, and,  
7                   again, in Panel 4 we'll deal with our position on  
8                   whether or not null ought to apply.

9                   Now, we have considered this fairly  
10                  carefully yet not yet thoroughly and we do recognize  
11                  the concern about the public being able to contribute  
12                  to decisions on where operations are going to occur,  
13                  and we would like to present MNR's response to this  
14                  issue and that's outlined on the next page. And we  
15                  suggest a, what we think is a reasonable, efficient  
16                  approach to, to dealing with this that recognises that  
17                  in timber management planning with the opportunities  
18                  for the local citizens committee to participate and the  
19                  various opportunities for public consultation, there is  
20                  the opportunity for people to contribute to the  
21                  decisions on where operations are going to occur and  
22                  refine the specifics of the geographic areas in which  
23                  operations will occur. And we have a, an approach that  
24                  has, has a couple of elements to it that would increase  
25                  the requirements in timber management plans.

1 First of all, currently we require that  
2 one has to, in a timber management plan, document your  
3 selection criteria. We would propose adding as a  
4 minimum requirement in timber management plans that  
5 there be a written explanation of how those -- how the  
6 application of those selection criteria resulted in the  
7 decisions on the areas selected for operations. So  
8 there would have to be a written explanation that the  
9 application and the selection criteria led us to  
10 identify these areas as the areas in which operations  
11 will occur during the five years.

12 So, for example, you would, if one of  
13 your selection criteria was maximizing proximity to  
14 existing access or, or proposed extensions of new  
15 access, you would document that in the discussion of  
16 how your selection criteria for that particular  
17 criterion led you to select the operation where you  
18 did.

19 Another selection criteria might, for  
20 example, be to select stands that are in the early  
21 stage of suffering from budworm infestation. You would  
22 describe how that criteria led you to identify certain  
23 areas for operations.

24 As Mr. Kennedy explained in Panel 1, MNR  
25 is not convinced that this is a concern generally out

1 there with the public. It is a concern in specific  
2 areas, and it arises from time to time. It's arisen in  
3 in a number of the bump-up requests, but given the  
4 number of plans we deal with and the number of areas in  
5 which we propose operations, it's not a frequent  
6 occurrence that their concerns about operations ought  
7 not to occur in this location versus another. But in  
8 recognition of the fact that that will continue to  
9 occur, we would suggest that we provide for and as  
10 required consideration of optional areas through the  
11 issue of resolution procedure. And people, they  
12 probably will be able to raise concerns about  
13 operations occurring in, for example, any one of those  
14 red areas and we would through the issue resolution  
15 procedure do whatever additional analysis is required,  
16 that might involve looking at alternative areas and  
17 making decisions to go elsewhere, to defer operations  
18 while we did further examination or whatever.

19 The important thing is, for example, if  
20 we were to -- if an issue were raised about operations  
21 in the red operating block to the extreme left in the  
22 middle of the map, looking at an option to that area --  
23 for that area may involve looking at areas in close  
24 proximity to that area or it could involve identifying  
25 an area somewhere else entirely with the entire



1 management -- within the entire management unit that  
2 met the selection criteria.

3 So addressing that concern in that  
4 particular piece of geography may result in affecting  
5 an area well beyond that specific location.

6 The focus would be on doing the  
7 additional analysis where it is required, not as a  
8 routine requirement to address optional areas.

9 Finally, another provision which Mr.  
10 Kennedy dealt with in the cross-examination of panel 1  
11 as well has to do with the DLUG amendment provisions  
12 and through, through the amendment provisions for  
13 district land use guidelines, there, there is the  
14 opportunity for pursuing concerns about land use, if  
15 you will, through seeking amendment in DLUGs and I  
16 think Mr. Kennedy dealt with that in some detail in his  
17 cross.

18 We believe that, that this proposal is a  
19 practical and reasonable way of dealing with the  
20 concern that has been expressed. It's a -- it would  
21 require us to responsibly explain why we're going to  
22 operate where we are, why the application and the  
23 selection criteria led us to where we selected the  
24 operations. It's a reasonable and manageable approach  
25 to directing additional effort where it's required and

1 it would require proper planning and a proper level of  
2 analysis to make decisions to satisfy the interested  
3 parties.

4 If someone were to raise a concern during  
5 the issue resolution process, we would expect that we  
6 would have to make decisions on where operations are  
7 going to occur that looks very carefully at the road  
8 requirements, that looks at how are we going to protect  
9 the values in that piece of geography so we can make  
10 decisions about trading one operating area off against  
11 another, another. And we think that that kind of  
12 approach would be an efficient way of dealing with this  
13 concern, rather than having a routine requirement to  
14 assess optional areas everywhere.

15 At the very least, a routine requirement  
16 we believe would require additional time, additional  
17 planning effort, additional documentation, at least an  
18 additional stage in public consultation.

19 And, finally, I've mentioned this before,  
20 we think that the current provisions in public  
21 consultation that deal with the ongoing participation  
22 of the local citizens committee and the, the  
23 opportunities through the four stages for people to  
24 comment on selection criteria, to review and contribute  
25 to refinement of the areas selected for operations as

1 we proceed to the development and approval of the plan  
2 provide ample opportunity for people to contribute to  
3 that decision.

4 MR. FREIDIN: Madam Chair, can we mark  
5 the map that Mr. Bisschop referred to as the next  
6 exhibit?

7 Q. Mr. Bisschop, perhaps you could  
8 describe, describe the map.

9 MR. BISSCHOP: A. The map is the summary  
10 map of the areas of operations for the big pick  
11 management unit, the timber management plan for the  
12 period of 1982 to '97.

13 MADAM CHAIR: This map will become  
14 Exhibit 2301.

15 ---EXHIBIT NO. 2301: Summary map of areas of  
16 operations for the big pick  
17 management unit, the timber  
management plan for the period  
182 to 1997.

18 MR. FREIDIN: Q. Mr. Kennedy, I  
19 understand you will be dealing with the last two pages  
20 of this exhibit, 2299?

21 MR. KENNEDY: A. That's correct, Mr.  
22 Freidin.

23 Madam Chair, I'd like to finish off the  
24 afternoon with two pages, which I don't believe will  
25 take very long; the last two pages of Exhibit 2299, so



1 the pages 10 and 11. This deals with the concerns that  
2 MNR has with the proposal put forward by FFT in their  
3 recent terms and conditions, that dealing with  
4 operations map. And I believe the Forests for  
5 Tomorrow's term and conditions number 19-1.

6 This may appear as -- to some, that this  
7 is a minor point in this agreement that we are speaking  
8 to here today, but we do think it's worthy of mention  
9 because we think the proposal as put forward would be  
10 unworkable and would compromise some of the other  
11 mapping proposals that have been put forward through  
12 other parties' terms and conditions, and would cause  
13 one to rethink the entire mapping exercise that we  
14 have.

15 This topic is described briefly in Reply  
16 Panel 5 on pages 13 to 15.

17 What I would like to highlight to the  
18 Board is, it's a number of points on this first  
19 overhead. The first one being that MNR's terms and  
20 conditions do contain extensive mapping requirements  
21 and that they've been designed to meet specific needs.

22 You have heard a lot of evidence on those  
23 mapping requirements. I think I will just list them  
24 here turn -- by way of summary, this being that our maps  
25 requirements are the preparation of eligibility maps,

1 values maps, native values maps, areas selected for  
2 operations maps, summary maps, and maps as part of  
3 annual work schedules.

4 Those are listed in the statement of  
5 evidence.

6 They are also maps that are -- I'm sorry,  
7 these maps are produced as information becomes  
8 available through the planning process and as such they  
9 are revised from time to time. We take their final  
10 form as part of the final timber management plan.

11 They have been described both in the  
12 Reply Statement 5, they have been described in Panel 1  
13 by myself and more recently by Mr. Bisschop in the last  
14 few minutes.

15 Each of those maps has been designed to  
16 meet a specific need. What we see with the proposal  
17 coming forwrd from Forests for Tomorrow is we're  
18 unclear if they're asking for a new set of maps or, in  
19 fact, if they're just asking for additional information  
20 to be shown on the summary map. There may be some  
21 confusion here due to the change in titles that have  
22 appeared and what we now refer to as a "summary map"  
23 during the course of the hearing.

24 Nevertheless, with the specific proposals  
25 coming forward, our experience has shown that the type

1 and amount of information that has been suggested is  
2 not practical to be shown on one map and that the  
3 information, the majority of the information is  
4 available in other maps that are used during the  
5 planning process.

6 On page 11 of Exhibit 2299 I have  
7 attempted to summarize at the top of the page what I  
8 believe is the essence of the proposal come from  
9 Forests for Tomorrow. I'd like to speak to each of  
10 those points.

11 On the first point, the map is to show  
12 approved and/or proposed operations for five and twenty  
13 years. If I understand that correctly, I believe  
14 that's the same with the MNR proposal, that for the  
15 five year term you would show those areas that are  
16 selected for operations, for harvest renewal attending,  
17 et cetera; and for roads, primary roads that are there  
18 for the twenty years, you would show that.

19 In that regard we have no difference of  
20 opinion with FFT. We think that that information is  
21 something that should be shown on a summary map, or  
22 operations map to use their term. It serves the  
23 purpose of indexing for the public to come out and get  
24 involved.

25 The other three points, however, we do



1 have some differences of opinion. The suggestion that  
2 the location of values, the same information that's  
3 portrayed on a values map could be carried forward and  
4 shown on this map, I do not believe is possible.

5 Currently the values map -- the kind of  
6 information that's shown is described in MNR's terms  
7 and conditions in appendix 5. And the list itself is  
8 not exhaustive or conclusive, but it does go on for  
9 three pages. To suggest that we could show that kind  
10 of values information on this map I think would lead to  
11 some, some great difficulty.

12 It would be too crowded, it's  
13 questionable if the information can be mapped in the  
14 first instance, you know, if the values map itself is,  
15 is a summary map of other values information that's  
16 available in district offices.

17 On the third point, mapping of preferred  
18 silvicultural prescriptions for normal operating areas  
19 and for areas of concern, I'm sure the Board will  
20 recall there has been some discussion between MNR and  
21 other parties, most recently -- most recently with the  
22 Ministry of the Environment.

23 We would contend that this is not a --  
24 compatible with the approach that we've put forward is  
25 our silvicultural ground rule approach, that we do not

1 now show silvicultural prescriptions for normal  
2 operating areas in a manner that would allow for the  
3 mapping. Instead, with our discussions with the  
4 Ministry of Environment we have now arrived at a  
5 proposal that allows us to show general standard site  
6 types for those areas that are selected for operations.  
7 That information is shown in the more detailed maps. I  
8 do not believe that it would be possible to summarize  
9 that information on this map as well, and if you were  
10 to attempt to, again, it would be very difficult to  
11 actually do the mapping and it would add to the  
12 cluttered nature of that map.

13 On the last point in their suggestion, if  
14 I understand it correctly, this should map past timber  
15 management operations for the previous twenty years.  
16 This I take it to be that they're making a suggestion  
17 that we map the harvest areas in addition to the  
18 renewal areas and where tending operations have been  
19 conducted. Twenty years of information would be a  
20 considerable amount to try and show on a summary map,  
21 and, again, I think it just would be impractical and  
22 not possible to do so.

23 If one was to even attempt the task, I  
24 think you'd be confronted with a large number of  
25 questions, such as how do you map an area that was

1 harvested twenty years ago and has received a number of  
2 renewal and tending treatments in the meantime?

3 The map would take on a greater level of  
4 complexity if you were to try to do so, and yet I  
5 assume that if you're attempting to show that  
6 information, that you would want to show as much  
7 information as possible.

8 What is important here is, though, that  
9 this information is currently available to the district  
10 of company offices and is consulted during planning.  
11 It is true that there is not a requirement to portray  
12 this information as part of the timber management  
13 planning process. It is also true that it is used in  
14 conjunction with preparing the plan. Previous year of  
15 harvest and renewal operations is recorded, and most  
16 places keep maps in accumulative sense, so it is  
17 possible to see the progression of operations.

18 And necessity for keeping this  
19 information is such that it serves as a key to our  
20 record keeping as well as for summarizing for updating  
21 inventories.

22 I think your proposal may have some merit  
23 in the future, though. I think in the future that it  
24 may be a natural evolution to include information such  
25 as a recording of the past timber management operations



1 for the previous five and possibly twenty years as we  
2 look at moving towards landscape management. I think  
3 that there will be -- there should be a consideration  
4 of including that type of information into the report  
5 of past forest operations and for the purposes of  
6 demonstrating (inaudible) --

7 ---Reporter appeals.

8 MR. KENNEDY: I think that at some point  
9 in the future it will be appropriate to look at  
10 including information that is relevant to past timber  
11 management operations and to show that as part of the  
12 the report of past forest operations in order to  
13 demonstrate adherence to or movement towards landscape  
14 management objectives. However, I do believe that it  
15 is premature to put a requirement of that nature in  
16 place at this time and I would make the comment that  
17 that information is currently available in the district  
18 offices.

19 So in summary, I think that if we were to  
20 attempt a map of this nature, that it would be too  
21 crowded, it would be very difficult at best to portray  
22 the information and difficult to understand it if  
23 indeed we were successful in illustrating the  
24 information, and that the intent has been met of having  
25 that information available in other sources, and that

1 it would -- it may -- sorry, by having that level of  
2 information present on the map may compromise the  
3 original intent of the summary map which MNR put  
4 forward, which was to respond to the suggestion that we  
5 needed to have another document in which to advise  
6 people where operations were likely to occur for the  
7 five years and to entice them to come out and get  
8 involved at the information centres where that more  
9 detailed information was available.

10 Madam Chair, that's the comments on that  
11 topic.

12 ---Discussion off the record.

13 MR. FREIDIN: Madam Chair, I'm just  
14 wondering if we can proceed --

15 MR. MARTEL: I have a question.

16 MR. FREIDIN: Sure.

17 MR. MARTEL: If it's not workable now but  
18 somewhere down the line it's going to become workable,  
19 what's changing that will make it workable in the  
20 future?

21 MR. KENNEDY: Mr. Martel, as you're  
22 referring to the fact that I think in the future it  
23 would be appropriate to look at including that type of  
24 information as part of the report of past forest  
25 operations and portray that information on a single

1 series of maps, highlighting where operations have  
2 occurred in the past five years, and perhaps longer,  
3 but I don't think it's appropriate now as to include  
4 that information on the summary map where you're trying  
5 to communicate those operations that are being planned  
6 for the next five years.

7 ---Discussion off the record.

8 MR. FREIDIN: Q. Mr. Kennedy, Mr. Martel  
9 asked if it was workable now. When you say it's not  
10 appropriate now, even if you could do it, are you  
11 saying it wouldn't be appropriate to do it now?

12 MR. KENNEDY: A. It is technically  
13 feasible to map where operations have occurred in  
14 previous years, five, two, some horizon, and to portray  
15 that information on maps now as -- and that is  
16 currently done.

17 There is not currently in place a  
18 requirement to include those as part of the timber  
19 management plan or as the component of the report of  
20 past forest operations.

21 The information, however, is available in  
22 district offices and has and is used by planners in  
23 preparing the next plan. We simply have not summarized  
24 it in a form where we have communicated that and  
25 communicated that information to the public.



1                   The suggestion that's come forward,  
2           however, that what we're reacting to is one of trying  
3           to show what I would characterize as "all mapped  
4           information" on one summary map or one operations map,  
5           and it is that that I would suggest to you is  
6           impracible -- impracticable and unworkable at any time,  
7           be it now or in the future.

8                   Q. Mr. Kennedy, can you give me some  
9           indication as to why you believe it would not be  
10          appropriate or MNR would not want to at the routine  
11          matter map backwards in the timber management planning  
12          process now, and why you believe that it might become  
13          appropriate as the Ministry moves towards landscape  
14          management?

15                  A. At the moment I haven't heard a lot  
16          of requests for that type of information. I  
17          acknowledge that FFT has come forward and asked for it  
18          now. So I make reference to the fact that the access  
19          to the information is there currently. To put that in  
20          place -- that in place as a requirement to prepare maps  
21          of the previous operations in a summarized form as part  
22          of the report of past forest operations, it would  
23          simply be an additional workload.

24                  If the Board felt that was a necessary  
25          piece of information, we certainly have the skills

1 available where we could do that. I would suggest to  
2 you that it would be a additional workload where I'm  
3 not sure what use it would be put to, Mr. Martel. The  
4 information is currently required to be produced on an  
5 annual basis as a requirement of the Crown Timber Act,  
6 the ministries are required to prepare mapped summaries  
7 in area and volume information and to present that to  
8 the Crown, I believe it's October 30th of each year.  
9 That information contributes to the development of the  
10 report of the previous annual work schedule, and that  
11 information is filed and is available.

12 That information is normally summarized  
13 onto detailed maps and the district office in the  
14 manner that I've described for purposes of record  
15 keeping of the -- where the actual disturbance occurred  
16 so that follow-up silvicultural or renewal operations  
17 can occur, tending operations can occur, and, indeed,  
18 where for purposes of maintaining records it can allow  
19 you to update the inventory.

20 I would expect that over time, as our  
21 ability to use GIS technology, we would improve our  
22 ability of keeping those records and making them more  
23 easily producible, and perhaps even better able to  
24 reproduce them on different scales.

25 In the future I think the -- the reason

1 why I say it's a future requirement and has some merit  
2 is that I would predict that at some point in time as  
3 we move towards landscape management that there will be  
4 objectives set for different ecoregions, dealing with  
5 ecological land classification units and the need to  
6 have certain levels of disturbance patterns within  
7 those units, and the way in which you will achieve  
8 those disturbance patterns will be through timber  
9 harvest. And because you're aiming for a certain type  
10 of disturbance pattern at a certain level, the way in  
11 which you would measure your movement towards -- or  
12 measure your management and the landscape of, would be  
13 to record the location of those disturbing patterns.

14 So I think at that time it will, it will  
15 be seen to be a reasonable way of demonstrating your  
16 interference with what has been planned, and planned  
17 with certain numerical targets to achieve disturbance  
18 patterns. Right now those types of -- that type of  
19 thinking has not made its way into the proposal that we  
20 have here in timber management planning and awaits the  
21 outcome of some of the work that you've heard put  
22 forward by Mr. Peter Uhlig and others during Reply  
23 Panel 3.

24 I hope that assists you in clarifying the  
25 position that I've taken on this matter.



1 MR. FREIDIN: Madam Chair, it's four  
2 o'clock. If we can can adjourn and pick up tomorrow  
3 with Mr. Greenwood on growth and yield.

4 MADAM CHAIR: Thank you very much  
5 gentlemen.

6 And we will --

7 MR. FREIDIN: I almost don't want to  
8 raise this matter, but I'm curious, Madam Chair, as to  
9 whether the Board has come to any decision on the  
10 Venture Tourism, Ben King matter.

11 MADAM CHAIR: Yes, we have, Mr. Freidin.  
12 We've decided that we're going to give -- we're going  
13 to permit Mr. King to bring two of his witness and  
14 we've specified what we want to hear from them. I  
15 think there were three areas that we thought would be  
16 relevant and I think -- I don't know if we're going to  
17 restrict Mr. King to two or three hours. I think the  
18 letter is going out to him today or tomorrow, and I  
19 think we're looking at the date of August 17th as being  
20 convenient for the Board to spend a few hours to hear  
21 this evidence.

22 Now, I haven't spoke to Mr. Beram today  
23 so I don't know if that date has been exactly fixed or  
24 not.

25 MR. FREIDIN: Where will that be from?

1 MADAM CHAIR: Toronto.

2 MR. FREIDIN: Toronto. I don't expect  
3 we'll want to call any reply evidence on it, but if we  
4 do, I assume that we will have leave to do that?

5 MADAM CHAIR: Yes, you will, Mr. Freidin.  
6 And the parties certainly can cross-examine if they  
7 wish, but we're not going to spend more than a couple  
8 of hours on all of this.

9 MR. FREIDIN: Is Mr. King going to be  
10 providing -- I guess you've indicated that you will be  
11 indicating to him in writing what portion of the  
12 material that he had described in his written material  
13 to you what it's about so perhaps we'll have some idea  
14 of what it's going to be about.

15 MR. MARTEL: Now, coming back to Mr.  
16 Cassidy's request this morning, it gets more complex  
17 following your suggestion that we start on the 19th,  
18 Mr. Cassidy.

19 I spoke to Mr. Beram at the afternoon  
20 break. It creates a problem not so much for the Board,  
21 but for all of the parties because we come, if you  
22 follow, and I'd like you to think about it overnight --  
23 the request would see, if you have a calendar, MNR on  
24 the 19th and 20th; FOIA on the 21st and 22nd; FFT on  
25 the 26th and 27th; Grand Council No. 3 on the 28th and

1 29th; it looks like OMAA on the second morning and the  
2 Professional Foresters may be in the afternoon; NAN on  
3 the third; OFAH, and I've asked Mr. Beram to confirm  
4 that they're going to be here, on the 4th and 5th, and  
5 then the problems begin with Northwatch, possibly on  
6 the morning of the 9th; TASIT we thought in the  
7 afternoon, but they said they can't make it on a  
8 Monday. But even granted that they did, it would be  
9 then MOE's turn and Wednesday is a federal holiday, the  
10 veteran's day or Remembrance Day in Canada, which means  
11 that we're faced with the proposition of going back to  
12 Toronto for the 11th, coming back here for the 12th,  
13 maybe asking MNR if they wanted to sit on the 11th and  
14 give their staff the 13th off - there are a whole host  
15 of options with that one day - or going back to Toronto  
16 on the whenever we finish TASIT, if it's Monday or  
17 Tuesday, coming back here the following 13th for MOE  
18 and then MNR on the 16th and 17th.

19 Now, that 11th really throws a monkey  
20 wrench into everything depending on... So I would just  
21 leave that with you this evening, maybe you could  
22 wrestle with it so that we get some idea tomorrow of  
23 what your proposals are to get around the day and not  
24 split MOE in two or not -- and not blow the whole week  
25 of the 9th to the 13th.



1 ---Discussion off the record.

2 MR. MARTEL: As my colleague said, it's  
3 not a holiday for lawyers and we're prepared to sit on  
4 the 11th, if people can get the 13th off.

5 Now, you go back and fight with Mr. Wild  
6 and some of you or just come back with a  
7 counterproposal tomorrow. But I thought I'd give it to  
8 you. That's what's wrong. Without bringing parties  
9 back twice in different stages to finish, we've been  
10 trying to avoid to help you.

11 MR. FREIDIN: We'll have a negation  
12 session about that. I think this one can be solved.

13 MR. CASSIDY: I just may be somewhat  
14 ignorant of this because I can't remember the last time  
15 I took Remembrance Day off; is it an Ontario Government  
16 holiday? I don't mean any disrespect to any veterans'  
17 participating, but...

18 MR. MARTEL: I think it's a provincial  
19 holiday. Certainly it's not a school holiday any  
20 longer, but I still think it's a bank holiday,  
21 government holiday federally, I think provincially,  
22 too, so that's why we're prepared to sit. It's not a  
23 business holiday.

24 MADAM CHAIR: All right, then. Thank  
25 you.

1 We'll conclude today's session and we'll  
2 be back at 8:30 tomorrow morning.

3 ---Whereupon the hearing was adjourned at 4:07 p.m., to  
4 be reconvened on Wednesday, August 5th, 1992, at  
5 8:30 a.m.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TD [C. copyright 1985].



















